

OPENING OF THE CHEROKEE STRIP.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

Pursuant to House resolution dated September 28, 1893, information relative to the opening of the Cherokee Strip.

NOVEMBER 2, 1893.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,

Washington, D. C., November 1, 1893.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives, dated September 28, 1893, requesting the Secretary of War "to report to the House what part the Army of the United States had in the opening of the Cherokee Strip on September 16, 1893, and under what orders it acted, and whether said orders were violated, and whether any outrages were committed by the troops upon any civilians entering said Strip."

In response to the above resolution there are transmitted herewith copies of the reports of Col. E. M. Heyl, inspector-general, Department of the Missouri, and Capt. Jesse M. Lee, Ninth Infantry, assistant, and accompanying papers, which appear to contain all the information called for by the resolution.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

[Fifty-third Congress, First session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, September 27, 1893.

Resolved, That the Secretary of War be requested to report to the House what part the Army of the United States had in the opening of the Cherokee Strip on September 16, 1893, and under what orders it acted, and whether said orders were violated, and whether any outrages were committed by the troops upon any civilians entering said Strip.

Attest:

JAMES KERR,
Clerk.

OPENING OF THE CHEROKEE STRIP.

[First indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, September 29, 1893.

Respectfully returned to the Secretary of War with the recommendation that the Adjutant-General be instructed to call upon the department commander for any information, as within indicated, not heretofore called for, with reference to previous papers submitted to the Secretary of War on the 25th instant.

J. M. SCHOFIELD,
Major-General, Commanding.

[Second indorsement.]

WAR DEPARTMENT, *September 29, 1893.*

Respectfully referred to the Adjutant-General to comply with the recommendation of the Major-General commanding the Army.

By order of the Secretary of War:

JOHN TWEEDALE,
Chief Clerk.

[Third indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, September 29, 1893.

Respectfully referred to the commanding general, Department of the Missouri for full report in connection with previous papers on the subject.

By order of the Secretary of War:

H. C. CORBIN,
Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Chicago, October 3, 1893.

Respectfully referred to the inspector-general of the department for full report in connection with previous papers on the subject referred to him on the 28th ultimo.

By command of Major-General Miles:

J. P. MARTIN,
Assistant Adjutant-General.

[Fifth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
INSPECTOR-GENERAL'S OFFICE,
Chicago, October 20, 1893.

Respectfully returned to the assistant adjutant-general of the department, inviting attention to my report of investigation dated October 19, 1893.

E. M. HEYL,
Colonel, Inspector-General.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Chicago, October 23, 1893.

Respectfully returned to the Adjutant-General of the Army.

The complete report of Col. Heyl and Capt. Lee furnishes all the information that can be obtained upon this subject.

The duty placed upon the troops of holding 100,000 people, composed of all classes, was very important and difficult, especially when it is taken into consideration that a long line had to be guarded in order to do full justice to all concerned and prevent trespassers from entering the Territory before the time announced in the President's proclamation.

Mr. Hill was undoubtedly disregarding the order of the President.

NELSON A. MILES,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
INSPECTOR-GENERAL'S OFFICE,
Chicago, Ill., October 19, 1893.

SIR: In obedience to instructions contained in your letter dated September 21, 1893, I have the honor to submit the following report of an investigation into the conduct of United States troops engaged in opening of the Cherokee Strip on September 16, 1893.

This investigation was initiated by a telegram from the office of the Adjutant-General of the Army, dated September 20, 1893, which directed the commanding general, Department of the Missouri, to make or cause to be made as soon as possible a full investigation and report of the circumstances attending the reported killing of various homesteaders by United States troops in the Cherokee Strip, as set forth by press dispatches of recent dates, notably those printed in the New York World. The dispatches mentioned state that John R. Hill, of Keansburg, N. J., and various other homesteaders were killed by soldiers; that settlers have fallen victims to prairie fires which were started by soldiers; that the troops were bribed by "sooners" and are guilty of cruelty, drunkenness, etc.

On September 28 I was furnished copy of telegram from the Adjutant-General's Office, communicating House resolution of same date, calling on the Secretary of War for report to the House as to what part the Army of the United States had in the opening of the Cherokee Strip on September 16, 1893, under what orders it acted, and whether said orders were violated, and whether any outrages were committed by the troops upon any civilians entering said Strip.

ORDERS UNDER WHICH TROOPS ACTED.

I find that on August 7, 1893, the major-general commanding the Army telegraphed the commanding general Department of the Missouri to have in readiness the necessary military force to promptly remove absolutely all unauthorized persons from the Cherokee Strip, and to keep it clear until its occupation is authorized by the President's proclamation. In accordance with these instructions a military force was designated and held in readiness to take the field, Lieut. Col. D. Parker, Thirteenth Infantry, being selected to take command.

On August 26, 1893, the following telegram was received at these headquarters:

WASHINGTON, D. C., *August 26, 1893.*

COMMANDING GENERAL DEPARTMENT OF THE MISSOURI,
Chicago, Ill.:

The President, by proclamation of 19th instant (copy by mail), has directed public lands in Cherokee Outlet opened to settlement on the 16th proximo. The law forbids any person to enter upon or occupy any of the said lands before the time fixed in the proclamation. The Acting Secretary of War directs that you detail necessary force from troops in your department to cooperate with agents of Interior Department for the purpose of giving proper and complete effect to the requirements of the proclamation.

By command of Major-General Schofield:

R. WILLIAMS,
Adjutant-General.

This telegram was repeated to Col. Parker. A copy of the proclamation was sent to him and he was directed to consult the agents of the Interior Department and make such disposition of the troops under his control and order such movements as in his judgment may be best

calculated to effect the end in view. He was directed to acquaint himself thoroughly with the condition of affairs, and keep himself in communication and coöperation with the agents of the Interior Department in order to enforce strictly the proclamation of the President.

Col. Parker distributed his force. Districts were assigned for scouting purposes so as to cover the territory included in the strip, and commanding officers were instructed to thoroughly scout the districts assigned to them, and remove promptly and absolutely all unauthorized persons from the Cherokee Strip, recognizing only the permits to enter of Special Agent Womack and Inspector Swineford, of the Interior Department.

Lieut. Col. Parker states that troop commanders were informed that the troops are primarily collected for the purpose of preserving the peace, to protect Government property and the mail, and guard the people from lawlessness and disorder. They were directed to use every effort to promote peace, execute the laws, exercise forbearance by every proper measure before resorting to force, avoid conflict, and prevent difficulties between settlers.

On September 16 the military force was distributed as follows:

Lieut. Col. D. Parker, Thirteenth Infantry, commanding.

First district:

East one-half, Chillico: Troop C, Third Cavalry, Second Lieut. F. M. Caldwell, commanding.

West one-half, Bluff Creek: Troop E, Third Cavalry, Capt. O. Elting, commanding.

South, Wharton: Troop B, Third Cavalry, Capt. J. B. Johnson, commanding.

Second district:

North, Pond Creek: Troop F, Third Cavalry, Capt. G. A. Dodd, commanding.

South, Enid: Troop A, Third Cavalry, Second Lieut. C. A. Hedekin, commanding.

Third district:

North, Alva: Troop G, Third Cavalry, Capt. F. H. Hardie, commanding.

South, Wynoka: Troop K, Third Cavalry, Capt. G. K. Hunter, commanding.

Fourth district:

Clear Creek: Troop D, Third Cavalry, Second Lieut. K. Walker, commanding.

LAND OFFICES.

Alva.—Company E, Thirteenth Infantry, First Lieut. Marion B. Saffold, Thirteenth Infantry, commanding.

Woodward.—Company B, Thirteenth Infantry, Capt. H. G. Cavenaugh, Thirteenth Infantry, commanding.

Enid.—Company C, Thirteenth Infantry, Capt. W. M. Waterbury, Thirteenth Infantry, commanding.

Perry.—Company G, Thirteenth Infantry, Capt. B. H. Rogers, Thirteenth Infantry, commanding.

Total, eight troops of cavalry, four companies of infantry.

PART THE ARMY HAD IN OPENING OF STRIP.

In obedience to instructions to proceed to such points in the Cherokee Strip, Indian and Oklahoma Territories, and Kansas, as may be necessary to make the investigation, I left my station and arrived at Arkansas City, Kans., September 29. I notified the two daily papers of that place that I was there for the purpose of investigating the killing of Mr. Hill and any outrages or cruelty committed on the part of the troops towards the homesteaders, and requested the editors to have a notice inserted in their papers to that effect, so that any witnesses who wished to testify could do so before me. I also made it known that I would remain several days in the city.

A searching inquiry was made into all circumstances connected with the opening of Cherokee Strip, impartial hearing was given to all who desired to give testimony, and evidence solicited from all classes. Nothing was left undone to secure evidence and come to a thorough understanding of affairs.

FIRST DISTRICT, EAST HALF, CHILLOCO.

Second Lieut. Frank M. Caldwell, commanding Troop C, Third Cavalry, was encamped about $5\frac{1}{2}$ miles from Arkansas City.

He had 40 men for duty; the length of line which he was required to patrol was nearly 70 miles. He states that it was impossible to patrol his district in a proper manner, and is convinced that there were many "sooners" in the strip at time of opening.

Registration commenced on September 10, and a detachment was sent to the booth to guard Government property and preserve the peace. The crowd was very large. The majority of the homesteaders were orderly, but there was the usual assemblage of bad characters who would hesitate at nothing to accomplish their end. These men could only be restrained by force.

On day of opening, September 16, troops were stationed along the line, patrolling back and forth, and explaining to the people that the signal was to be given by a discharge of shots along the line by the soldiers at 12 o'clock noon, standard time.

The people who made the run were assembled along the Kansas State line west of Chilloco Reservation, along the southern line of the reservation, and along the Kansas State line east of the reservation, so that those along the south line of the Chilloco Reservation were 3 miles south of those along the Kansas line.

No deputy United States marshals were seen along the line on day of opening, so that in case of disturbance it was impossible to call upon them to make arrests. (Statements 1 and 2.)

Killing of Hill.—Lieut. Caldwell's line west of Chilloco Strip made a break and rush at about 11:56 a. m. Somebody fired a shot, which was the prescribed signal, and the crowd stampeded, Mr. Hill and several other citizens starting to the front.

As soon as the line broke, Sergt. W. R. Willard and Private Claes Hallencreutz, Troop C, Third Cavalry, galloped to the front, calling upon Mr. Hill and others to halt. As no notice was taken of the command to halt, Sergt. Willard and Private Hallencreutz began firing at those in front in order to stop them. The third shot fired by Sergt. Willard killed Mr. Hill. (Statements 4 and 7.)

The starting of the homesteaders on south side of Chilloco Reservation gave them an advantage of 3 miles' start over those starting from the Kansas line. According to Rev. De Long's statement (No. 8), the rush was made from south line of Chilloco at exactly 12 o'clock noon. The rush from Kansas line was made at least five minutes before 12 noon, from the fact that it was 12:05 when Hill was shot, and that he had then ridden 3 miles from the Kansas State line.

Evidence shows that Hill was killed at southwest corner of Chilloco Strip, range 2 east, township 29, section 32, at 12:05 noon, after having made the run from Kansas line, a distance of 3 miles. (Statements 1 to 29.)

Sergt. Willard interpreted his orders literally, and was zealous in the discharge of his duty. He hoped by firing a few shots to stop

the rush, but seeing it was fruitless ceased firing and let the crowd go without any further effort on his part to stop them.

Drunkeness.—All the cases of drunkenness at the booths were due to the fact that saloons were openly run along the Kansas line. Three saloons were not over 100 yards from the booths.

No attempts were made by the civil authorities to make arrests for violation of the prohibition laws of the State.

Had it not been for this open violation of the law there could have been no charges of drunkenness against the soldiers at this part of the line. (Statements 30 to 44, 1, and 25.)

On September 17, 1893, a horse owned by Mr. E. N. Smith, of Eldorado, was killed by Trumpeter Herman Stechert, Troop C, Third Cavalry. Testimony shows that Stechert was under the influence of liquor when he fired the shot. (Statements 39, 40, 41, 42).

FIRST DISTRICT, WEST HALF, BLUFF CREEK.

Capt. Oscar Elting, commanding Troop E, Third Cavalry, went into camp near Bluff Creek on September 2, and sent out scouting parties to remove from his district all unauthorized persons and cattle.

Every effort was made to keep out intruders, but Capt. Elting can not say positively that at time of opening his district was absolutely clear of "sooners." He believes that it was as clear as was possible, taking into account the extent of territory and large crowds registered. The northern boundary of this district was about 19 miles long, and at the two booths, at Caldwell and Hunnewell, more than 26,000 persons were registered.

Detachments were sent to guard the booths; and on the day of opening a detachment was posted at a point where the Rock Island Railroad enters the Territory.

On day of opening, September 16, the troop was posted along the northern boundary of the district to hold back the crowd until 12 o'clock noon and give the signal simultaneously along the whole line. Capt. Elting took charge of the western portion of his district, Lieut. T. R. Rivers, Third Cavalry, of the eastern portion.

Everything passed off in a satisfactory manner all along the line except at Hunnewell, where Lieut. Rivers was personally. Here, at about one minute before 12 o'clock noon, a mounted man stampeded the crowd, and Lieut. Rivers, recognizing the utter hopelessness of stopping the avalanche, fired the signal shot at about three-fourths of a minute before 12, thinking it better to give all an even chance.

Homesteaders were fairly well behaved. A display of the force at Capt. Elting's command was necessary to restrain the crowd, but no actual employment of force was made.

There was no conflict between soldiers and citizens, and the testimony is very complimentary to the command. (Statements 45, 46, 47.)

FIRST DISTRICT, SOUTH, WHARTON.

Capt. John B. Johnson, commanding Troop B, Third Cavalry, was sent out in June with instructions to clear the strip of intruders and cattle, and remained on this duty until the operations in connection with the opening of the Strip.

He states that, as far as he knows, his district was clear of "sooners" at time of opening.

No force was required here to hold the people back before the proper time to start, but at about three minutes before 12 o'clock some one fired

a shot, which was the prescribed signal for the start; the line broke, and Capt. Johnson, seeing the impossibility of checking the people, and in order to make it fair for all, gave the signal to go.

There was no conflict here, and the immense crowds were managed without riot or bloodshed, and order was maintained throughout.

The conduct of Corporals Jacob Tolin and August Arnold, Troop B, Third Cavalry, is very highly commended. (Statements Nos. 48, 78, 79, 82, 86.)

SECOND DISTRICT, NORTH, POND CREEK.

Capt. George A. Dodd, commanding Troop F, Third Cavalry, was encamped at Pond Creek. His district was 153 miles border and 1,624 square miles in area. In clearing the district of intruders the troop and detachments marched 1,626 miles from the 2d to the 16th of September. Capt. Dodd believes that his district was practically clear of intruders at time of opening.

On September 16 guards were placed over three railroad bridges, at the town sites of Pond Creek and Round Pond and the booth at Cameron; scouting parties were sent along Pond Creek, Polecat Creek and Osage Creek, and remainder of troop scattered along the line between Caldwell and Kiowa.

The line was properly held in check until 12 o'clock noon, September 16. The start was absolutely fair; there are no complaints.

The conduct of the command was very good. The citizens are glad to have the troops with them and petitioned the major-general commanding the department to allow them to remain here for the moral effect. Special attention is invited to copy of resolution by citizens in mass meeting assembled. (Statements 49, 50, 52a, 52b.)

SECOND DISTRICT, SOUTH, ENID.

Second Lieut. Charles A. Hedekin, commanding Troop A, Third Cavalry, was stationed at Enid, his district being the southern half of the Strip included between the Rock Island Railroad and the meridian of Kiowa.

Patrols were sent out to remove unauthorized persons, but the district is believed to have been not clear of "sooners" at time of opening. Quite a number of intruders were captured during the night preceding the opening. The patrols, however, could not possibly have covered the whole territory.

On day of opening a large crowd, probably about 15,000, had assembled near the Rock Island Railway and about 11,000 of them rushed into the Strip at 11:55 a. m. 4,000 of the homesteaders stood fast until the signal was given at 12 o'clock noon. Lieut. Hedekin states that he could not restrain the break.

Testimony shows that there was no brutality or roughness on the part of the command. (Statements 53, 54.)

THIRD DISTRICT, NORTH, ALVA.

Capt. Francis H. Hardie, commanding Troop G, Third Cavalry, arrived at Alva on August 31, 1893. The troop covered a length of line of nearly 25 miles, with Kiowa City as the central part.

Scouts were sent out and unauthorized persons, horses, and cattle removed. The district is said to have been clear of intruders at time of opening.

On September 16 troopers were posted out in front with orders to keep back the crowd, numbering about 5,000, until the proper time, and promptly repeat the signal for starting. The people were eager and excited. At about four minutes before 12 o'clock some person, either accidentally or on purpose, discharged a pistol in the crowd of horsemen near the railroad bridge. This started the crowd, and Capt. Hardie, seeing quickly that it was impossible to stop the people, fired his pistol, which was answered along the line promptly, and made the start practically simultaneous. The killing of three or four people would not have stopped the crowd in the mad rush.

Testimony of citizens show that the behavior of the troops has been most excellent. (Statements 55 to 61.)

THIRD DISTRICT, SOUTH, WYNOKA.

Capt. George K. Hunter, commanding Troop K, Third Cavalry, was in charge of this district. His line was 60 miles long.

The territory was scouted, and is believed to have contained no intruders at time of opening.

There was little demand for land here, only about 1,000 people entering the Strip.

Capt. Hunter gave the signal to enter by firing his pistol at 12 o'clock noon, standard time. No effort was made by the homesteaders to start before the signal was given.

There are no complaints against the command. (Statement 62.)

FOURTH DISTRICT, CLEAR CREEK.

Second Lieut. Kirby Walker, commanding Troop D, Third Cavalry, was in charge of this district. It is said to have been clear of intruders at time of opening.

The land being very poor and not desirable, there were very few people here to make the run. Only about 30 people on horses and in wagons made the run from Higgins; about 300 were on the train.

The opening passed off peaceably and no complaints are made. The conduct of the command was excellent. (Statements 63 to 66a.)

ALVA LAND OFFICE.

First Lieut. Marion B. Saffold, commanding Company E, Thirteenth Infantry, was stationed here.

Guards were detailed at the land office to preserve order and keep the people in line. Everything was peaceable and orderly.

Testimony shows that the troops were courteous. Their conduct is highly commended. (Statements 66b, 67, 68.)

WOODWARD LAND OFFICE.

Capt. H. G. Cavanaugh, commanding Company B, Thirteenth Infantry, was stationed here. The troops were on guard to prevent disturbance and see that the first to arrive had first access to the office. No force of any kind was required; no cruelty of any description occurred. All were quiet, peaceable, and orderly. The best feeling prevailed. Testimony commends highly the gentlemanly, courteous conduct of Capt. Cavanaugh and his men. (Statements 69 to 73.)

ENID LAND OFFICE.

Capt. W. M. Waterbury, commanding Company C, Thirteenth Infantry, was stationed here. There was no force used or needed to keep homesteaders quiet. No disturbance occurred. Complaint is made that a soldier, on guard at well, was drunk. (Statements 74, 75, 76.)

PERRY LAND OFFICE.

Capt. B. H. Rogers, commanding Company G, Thirteenth Infantry, had charge of affairs here. Twenty-four "sooners" were arrested on the morning of the opening. The town was opened in a very orderly manner and there was no disturbance that required the interference of the command. No soldiers were placed outside of the land office to run the line, that duty being performed by deputy United States marshals.

Testimony shows that the conduct of the command was excellent. (Statements 77 to 86.)

Perry townsite.—On October 6, 1893, public press dispatches stated that Mr. W. F. Harn, of Oklahoma, charged the troops with occupying a certain block of Perry townsite and excluding homeseekers from same, saying it was a reservation, but that a few days after nearly all of the lots in the block were held by persons belonging to a certain coterie.

The evidence in this case shows that Capt. Rogers was visited by a Mr. Mora, who stated that he was in the employ of the Government, and had been sent to Perry to survey the townsite. He showed Capt. Rogers a map which had B block marked as a public reserve and which, he stated, was in accordance with his survey.

Capt. Rogers moved his camp on B block, and informed homeseekers that they could not stake out lots there, as it had been reserved as a public park.

At about a quarter of 1 o'clock, September 16, Mr. Mora was seen to show a person where to place his stakes on that block. Being asked what he meant by advising people to locate on that square, Mr. Mora gave an evasive answer, but finally showed Capt. Rogers a map which had the park reserve on the other end of the town. He said that the map had been in Perry "a day or so."

Capt. Rogers charges that Mr. Mora, for reasons best known to himself, kept the map in his own possession until his scheme was carried out. (Statements 87, 88.)

BRIBERY.

The result of investigation as to the charge that the troops were bribed by "sooners" is given separately, because of the particular efforts made to secure evidence and the serious nature of the charge.

Great difficulty was experienced in getting at the truth in this matter, many people declining to testify under oath, probably for fear of implicating themselves.

Testimony develops the fact that many attempts were made to bribe not only enlisted men but officers as well. Offers were openly made and appeared to be regarded simply as a matter of business.

Enlisted men of Troop C, Third Cavalry, on duty near Arkansas City, state under oath that bribes were offered them—the amount varying from \$1 to \$150. (Statements 27, 28, 89, 90, 91, 92, 93.)

Enlisted men of Troop F, Third Cavalry, stationed near Pond Creek, state under oath that offers of money were freely made—the amount

being from \$10, for allowing a "sooner" to escape, to \$100 and a gallon of whisky, for holding down a lot. (Statements 94 to 100.)

Several citizens testify that somebody told them that soldiers were bribed, or that arrangements to that effect could have been made. These persons evidently believe what was told them, but they seem to know nothing personally as to bribe taking. (Statements 8, 101, 102, 103, 104, 105.)

A citizen of Enid testifies that two soldiers on duty at the land office offered to put him in ahead of others for \$5; a citizen of Arkansas City states that a soldier said he would give a party a big start for \$5 apiece. (Statements 107 and 108.)

Three citizens of Enid testify that they saw soldiers receiving money from citizens, to be put ahead of others at booth. (Statements 106, 109, 111.)

One citizen of Arkansas City states that he got his certificate of registration by paying two soldiers 50 cents each, and another citizen of the same place says he paid \$1 for his certificate. Another citizen states that at Orlando he paid \$2.50 for the certificate. The first mentioned citizen is the only one who claims to have paid money directly to soldiers, the other parties paying their money to citizens who, they believe, had to "whack up" with the soldiers. (Statements 112, 113, 114.)

The evidence shows that commanding officers warned their men against taking bribes, and directed and supervised their movements. Moreover, it is conceded by all that the organization of the homesteaders for registration, etc., was perfect, the crowds being divided into squads in charge of captains or leaders who watched all movements very carefully.

Whenever complaint of bribery was made to commanding officers immediate measures were taken to find the guilty party. At Enid a citizen complained to Lieut. Hedekin that a soldier had beaten him out of money which was given the soldier for the purpose of filing a claim in advance. The citizen was given opportunity to identify the soldier, but could not do so. (Statement 53.)

At Enid land office Private William Horne, Company C, Thirteenth Infantry, was accused of receiving a bribe. He is now in jail, but there appears to be doubt as to his guilt, Mr. Milner, city police of Enid, stating that "the authorities arrested the wrong man." (Statements 74 and 115.)

No doubt many of the charges against officers and men accepting bribes are due to the conduct of the Arkansas colonel in uniform who represented himself as Col. Parker, in command of the troops, and to the man who was arrested wearing the uniform of a private soldier, who had been selling privileges. (Statement 48.)

Considering the opportunities and the bribes offered, and the fact that there was a regiment and a half of troops on duty in the Cherokee Strip several weeks before and during the opening, the percentage of soldiers actually accepting bribes is certainly very small. The evidence shows that of forty-one cases where officers and soldiers were offered bribes there were twenty-eight refusals and only ten cases of soldiers actually receiving bribes. Two soldiers were offered bribes, but, on account of some change in arrangements, did not receive the money; and one soldier accused of receiving bribe was not identified.

None of the soldiers accused of accepting bribes having been identified (although one arrest—possibly wrong man—is reported); it is probable that the same soldier may have been accused by more than one

party; hence, the number appearing as having received bribes according to the testimony is liable to be in excess of the actual number. (Statements 106, 110, 111, 112, 115.)

PRAIRIE FIRES.

Careful investigation was made as to who started the prairie fires. There is no evidence whatever that the troops are responsible for these fires.

One citizen testifies that he saw the grass fired by citizens. He is of opinion that this was done so as to retard the rush of the main body of the homesteaders and allow the few to secure the best land. (Statement 116.)

Lieut. Hedekin states that the fires in his district caught from homesteaders' camp fires. (Statement 53.)

Capt. Hardie attributes his escape from prairie fires only to good luck, since a spark from a locomotive could have started one at any time. (Statement 55.)

Capt. Johnson states that fires caught from locomotives, and that some claimants had intentionally burned the grass so as to examine the land or soil. (Statement 48.)

All testimony, and it is voluminous, exonerates the troops from the charge of having started these fires, as alleged in press dispatches.

It is said that the grass was fired by those who had put up large stacks of hay this summer, in order to sell their hay at high prices this winter when homesteaders would be compelled to buy hay to feed their stock, the grass having been burned off.

It is also reported that the grass was probably set on fire by "sooners" entering from Osage County, to discourage and retard movement from the Kansas line, and by people who wanted to find corner stones without trouble. The grass was very high and in many cases hid the stones.

The facts show that very strong hot winds were blowing for several weeks; water was very scarce and much of it bad or salty. The air was constantly filled with black dust and as hot as though it came from a furnace. No rain had fallen for over four months; all vegetation dried up, so that a spark falling on the grass would soon set it on fire.

The position of the troops before the opening of the Cherokee Strip was necessarily very trying, and no doubt there was some ill will on the part of the rougher element on account of their not being able to get into the Strip before the proper time. Probably some may have succeeded in getting through the line at night, but not very many; they are generally known and their claims will be contested by the law-abiding homesteaders.

Were it not for the presence of the troops before the opening of the Strip, the entire country would have been filled with "sooners." It would have been impossible to keep the Strip clear of intruders without the aid of the military, notwithstanding all reports to the contrary.

The opening of strips in the Indian Territory has usually been attended with more or less complaint on the part of disappointed people and "sooners," but the troops, no matter how well they performed their part in support of the civil authorities, have always been unjustly criticised.

Rumors, when once started, soon become distorted and magnified, so that little or no confidence can be placed in them. People will sometimes make rash statements, particularly while chafing under pique or

disappointment, which they are not willing in their cooler senses to verify by affidavit.

Only one man was shot and killed by a United States soldier; all other shooting and killing had been done by citizen contestants on account of claims or town lots. It is not unusual to see two persons on a quarter section or town lot.

Enough people made the race to take possession of every one of the homesteads and to give every county seat and town site at least 1,500 inhabitants.

It is estimated that 100,000 people entered the Cherokee Strip on the 16th of September. It is known that over 100,000 people were registered at the booths, but many of the prospective settlers took both homestead and town-site certificates, so the number of certificates does not represent the number of actual settlers.

It is estimated that 30,000 people made the race from Arkansas City; 15,000 from Caldwell; 15,000 from Orlando; 10,000 from Hennessey; 7,000 from Stillwater; 10,000 from Kiowa; 10,000 from Hunnewell, and 5,000 from other points. The total number was nearly double the crowd which went into Oklahoma when that country was opened.

Many of the horses ridden by homesteaders on the day of opening had been trained for weeks to make the race. The run from Chakaska Creek, a distance of 17 miles, was made by several people in fifty-five minutes, which gives an idea of the speed and endurance of the horses used for that purpose.

Accompanying are photographs which show booth near Arkansas City on September 15 and line before the start, the break, and the race on September 16. (Exhibit 118.)*

Attention is invited to accompanying map of the Cherokee Strip, and copies of letters and telegrams sent to and received by Col. Parker relative to its opening. (Exhibits 119 and 120.)

Capt. J. M. Lee, Ninth Infantry, assistant to inspector-general Department of the Missouri, has assisted me in the prosecution of this investigation. Special attention is invited to accompanying letter (Exhibit 117) addressed to him by ex-Governor Swineford, who was in charge of the opening as a representative of the Interior Department and is conversant with what was done by the troops.

Very respectfully,

E. M. HEYL,
Colonel, Inspector-General.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Missouri.

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FORT RILEY, KANS., October 11, 1893.

Capt. J. M. LEE,

Ninth Infantry, Assistant Inspector-General:

SIR: I have the honor to acknowledge the receipt of your letter requesting me to give a detailed statement of any evidence which may have come under my observation bearing upon the following charges against the United States troops on duty in the Cherokee Strip in connection with the opening of the said Strip, viz:

- (1) That J. R. Hill, of Keansburg, N. J., was killed by a soldier.
- (2) That witnesses declare that more than one shot was fired by the soldiers.
- (3) That two, instead of one, man were killed by soldiers when the north line moved.

* Retained in War Department, A. G. O.

(4) That a body discovered September 17, several miles south of the border, is that of another man shot by the troops.

(5) That September 17, at a point about a mile this side of the line, in the State of Kansas, a boy riding a horse toward the Strip was stopped by several men who claimed the horse was stolen, that a soldier interfered, telling the boy to ride on, at the same time drawing his revolver; that the crowd was awed, but that the trooper, plainly under the influence of drink, fired three shots into the horse.

(6) That soldiers received bribes from "sooners," and were guilty of cruelty and drunkenness.

(7) That settlers have fallen victims of prairie fires.

Also answers to the following questions, viz:

(1) Where was your command stationed?

(2) District assigned to you?

(3) Was your district clear of "sooners" at the time of opening of Strip?

(4) Were homesteaders orderly and well-behaved before and at the time of opening of Strip, September 16, at 12 o'clock noon, or was force required to keep them in check?

(5) What were your instructions and what orders did you give noncommissioned officers and men on duty in reference to homesteaders going into the Strip before the proper time?

(6) Were you authorized to make arrests for lawlessness on Strip or border, or was authority to make such arrests solely within the power of United States marshals?

In making report requested I shall first deal with the questions and then the charges, and then give a detailed statement to show the exact conditions existing from the time of the arrival of my troop in the Strip until it was relieved, also the duties performed by the troops during the same period.

TAKING THE QUESTIONS IN ORDER.

1. *Where was your command stationed?*

It was camped at a spring on the site of old Camp Schofield, about $1\frac{1}{2}$ miles east of the Chilocco reservation and three-fourths mile south of the Kansas State line, therefore about $5\frac{1}{2}$ miles from Arkansas City, Kans. (See copy of letter indicating station hereto appended, marked A.)

2. *What was the district assigned you?*

The eastern half of the section bounded on the north by the State of Kansas, on the east by the Arkansas River, on the south by an east and west line through the southern boundary of the Ponca Reservation, and on the west by the Rock Island Railroad. (See copy of instructions hereto appended, marked A.)

3. *Was your district clear of "sooners" at the time of the opening of the Strip?*

To my personal knowledge there were none, and I think there were a very few previous to the night of September 15 and 16, because there were but few places that water could be obtained, and these places and their vicinity were thoroughly scouted and watched. But I have no doubt that during the night of September 15 and the morning of the 16th there were many who came into the Strip from the Kaw, Osage, and Ponca reservations.

It was simply impossible, with the limited number of men under my command, to properly patrol the border of my district. I had 40 men for duty, including myself, on the night of the 15th.

A reference to the map of the Cherokee Strip will show that the length of the line which it was necessary to patrol in my district was nearly 70 miles—on the north 15 miles along the Kansas line, about 32 miles on the east, following the bends of the Arkansas River, 12 miles along the northern boundary of the Ponca Reservation, and 12 miles along the western boundary of the same reservation.

The night of September 15 was very dark, and it was the easiest possible thing for a mounted man to pass through the lines without being seen, even along the north line of the Strip, where most of my men were stationed.

From interviews with people who made the run on September 16, I am convinced that there were many "sooners" in the Strip at 12 o'clock noon September 16, and that many more ran from the Indian reservations on the east.

(4) *Were homesteaders orderly and well behaved before and at the time of opening of the Strip September 16, at 12 o'clock noon, or was force required to keep them in good order?*

The majority of homesteaders were orderly law-abiding people, and only wished and asked for fair treatment, but there was the usual assemblage of bad characters and unscrupulous men who would hesitate at nothing to accomplish their ends, and these men are the ones who have furnished the "sooners" and caused most of the trouble in connection with the opening of the Cherokee Strip.

These men could only be kept orderly by a display of force, and on one or two occasions by the actual use of force, as was shown by circumstances arising at the registration booth near Arkansas City. The booth was composed of three separate

tents surrounded by a barbed wire with a gate for each tent, so that the people passed in on one side and out on the other.

Monday morning, September 10, the registration booth opened at 6.30 a. m. and registration began. As early as the Saturday afternoon previous people began to form in line to get to the booths, and by Sunday night there were several thousand people formed in three lines, one coming from the east and two from the west, corresponding to the three entrance gates of the booth.

I had been directed to send a suitable detachment to guard the booth (see copy of order hereto appended marked B), and on the morning of September 16, First Sergeant Murphy and 6 men were on guard there with orders to guard Government property and keep the peace as far as possible.

I arrived at the booth at 7 o'clock a. m. and found a crowd of not less than 10,000 people, the majority armed, assembled there, and everything in confusion because several hundred people had come there that morning and crowded in around the booth and at the head of the lines formed.

These late comers were being registered the same as those who had been in line for twenty-four and thirty-six hours, and I immediately tried to straighten things out. These people who had been lying out in the dust and wind for many hours would come to me and protest against such unfairness and say that, while they wanted to be law-abiding, they would fight for their rights if necessary.

I assured them that they should receive fair treatment, sent for 10 more of my men, cut out the lines that had been formed that morning, and made every one fall in one of the three long lines to take their turn.

I was unable to find a single civil official who had any authority in the Cherokee Strip, other than 6 clerks in the land office and had it not been for the troops, there would, without doubt, have been a riot and bloodshed that day.

On this day force had to be used, but it was not necessary to go to extremes. On another day, however, a man drew a pistol upon one of my men while he was on guard along the fence of the Chillico reservation and was knocked down with a carbine. On still another day, a man drew a knife and rushed at one of my men while on duty along the line near the booth and was knocked down with a carbine.

I investigated both these cases and in each found many witnesses [in the crowd who testified to the facts as stated and that the soldiers did no more than their duty.

The first man was taken away and I did not see him, but the second man I myself turned over to the sheriff of Cowley County, Kans., though I believe the offense was committed inside the Strip line.

There were numerous other cases where it was necessary to threaten to use force previous to the opening. The copy hereto appended, marked C, of a telegram from Lieut. Col. Parker, shows that the troops were expected to take charge of the lines as well as guard the booths.

On the day of the opening, as far as my personal observation went, everyone was orderly and well behaved except in one instance, where I had to interfere between two intending settlers who, one with a Winchester and the other with a revolver, were threatening to shoot each other.

(5) *What were your instructions and what orders did you give noncommissioned officers and men on duty in reference to homesteaders going into the Strip before the proper time?*

My instructions were contained in letters from Lieut. Col. Parker, commanding troops in the Strip, dated Fort Supply, Ind. T., August 28, 1893; Fort Supply, Ind. T., September 5, 1893; Fort Supply, Ind. T., September 11, 1893, hereto appended, marked A, D, E, and telegrams from Lieut. Col. Parker at Fort Supply, Ind. T., dated September 3, September 6, September 8, September 12, September 13, hereto appended, marked B, F, G, H, I, C, J.

My orders to the noncommissioned officers and men on duty, based on these instructions, previous to the opening, were that they were to treat all the people as courteously as possible; that the only persons authorized to be in the Strip were those with permits from Mr. N. P. Swineford or Mr. Emmitt Womack; that they were to prevent all unauthorized persons from entering the strip; that they were to take the names and description and address of all unauthorized persons found in the Strip, and to conduct them to the border and see that they got off the Strip; that they were not to use force unless obliged to, and not to shoot unless to protect life, and that they were to report everything unusual to me at once.

For the day of the opening, September 16, my orders to the noncommissioned officers, given the night previous, were that they were to proceed to their assigned stations on the line with their squads, station their men at intervals along the line, placing them in front of the greatest crowd, and to have them patrol back and forth along the line so as to have one man's post connect with that of the man next to him; that the men were to explain to the people that the signal was to be a discharge of shots along the line by the soldiers at 12 o'clock noon, standard time—(I had the squad leaders set their watches with mine; those squad leaders who had no watches were to obtain them from some of the spectators, which they did)—that in case one

or two or three men tried to break away before 12 o'clock they were to make every effort to stop them, and, if it became absolutely necessary, to shoot, but that in case any large number started, so that it would be evident the line could not be controlled, to give the signal and let the whole line go. The people who made the run in my district were in what was practically three distinct lines because of the Chilocco school reservation.

The Chilocco school reservation lies along the Kansas State line, and is $4\frac{1}{2}$ miles east and west by 3 miles north and south, and is surrounded by a wire fence.

The people who made the run were assembled along the Kansas State line west of the Chilocco reservation, along the south line of the reservation, and along the Kansas State line east of the reservation, so that those along the south line of the Chilocco reservation were 3 miles south of those along the Kansas line. Sergt. Samuel Ihling was to have given the signal for the west line to move, I gave the signal for the line south of the reservation, and Sergt. Edward Murphy for the east line.

The only orders I received on the subject were to have the signal given at 12 o'clock noon, September 16, by shots all along the line. (See copy of order hereto appended marked E.)

It has been charged that it was illegal for people to have started from the south line of the Chilocco reservation. I allowed people to start from there simply in accordance with instructions. (See copy hereto appended marked H.)

My commanding officer, Lieut. Col. Parker, was on the Chilocco school reservation at the time the line started, and I had explained to him, the night of the 15th of September, how the lines would be formed and how my men would be posted.

(6) *Were you authorized to make arrests for lawlessness in Strip or on border, or was authority to make such arrests solely within the power of United States marshals?*

I had no direct, but did have implied, authority to make such arrests. I was ordered to preserve the peace, protect Government property, the United States mails, and guard the people from lawlessness and disorder, to use every effort to promote peace, to execute the laws, to exercise forbearance by every proper measure before resorting to force, to avoid conflict and prevent difficulties between settlers. Also to preserve status peaceably established by actual settlers and not to permit it to be disturbed by force or violence.

If deputy marshals or marshals were present, they were to be called upon to make arrests, at the demand of the military, in case of disturbance, and the latter were to act in entire harmony with the accredited agents of the Interior Department. (See copy of instructions hereto appended marked D.)

About the 8th ultimo I went to Arkansas City to confer with the United States and county officials of Cowley County, Kans., as the registration booth was right at the north line of the Strip, and the crowd would necessarily be both in Kansas and the Strip.

I saw Mr. Bonsall, the United States Commissioner, and also Justice of the Peace and Deputy United States Marshal Rarrick, and requested them to take steps to preserve order on the Kansas side.

This they promised to do, and I mentioned the fact that there were no United States marshals on the Strip and that I was going to communicate with the United States marshal at Guthrie, Okla., and ask that deputy United States marshals be sent to aid in preserving peace and to make arrests in the Strip in my district. Mr. Bonsall said that he would himself telegraph Mr. Mix, the United States marshal at Guthrie, and make that request. On October 5 Mr. Bonsall stated to me that he did telegraph the United States marshal at Guthrie, but received no reply.

No United States marshals came until the night of the 14th ultimo, when Deputy United States Marshal Reynolds came to me at the registration booth and said that he had been ordered there to take charge of the train, and had commissions for twenty deputies whom he was going to swear in as soon as possible.

He told me that the United States marshal, Mix, was authorized to swear in one hundred and twenty deputies for service, and I suggested that, as the crowd was so great at Arkansas City, that there ought to be at least forty at that point, so that twenty of them could take charge of the trains and the remainder be distributed along the line on the day of the opening, to assist in preserving the peace, etc. He agreed with me and said he would go and at once telegraph the United States marshal, Mix, for twenty more commissions.

I did not see him again, except on the first train that went in over the Santa Fe Railroad on the day of the opening. There were no deputy United States marshals on the line on the morning of the 16th of September, or if they were they did not make themselves known, so that, in case of disturbance, it was impossible to call upon United States marshals to make arrests. But Mr. Bonsall, the United States commissioner in Arkansas City, stated to me on October 5 that these deputy United States marshals, who had no authority in Kansas, were kept on guard over the property of the Santa Fe Railroad in Arkansas City, Kans., on September 15 and 16 until 12 o'clock noon.

Now, taking the charges against the troops on duty in the Cherokee Strip:

(1) *That J. R. Hill, of Keansburg, N. J., was killed by a soldier.*

On the afternoon of September 16, after the opening, Sergt. William R. Willard reported to me that the portion of the line near where he was on guard had broken away about eight or ten minutes before 12 o'clock, and that in trying to prevent the break he had killed a man.

I took down Sergt. Willard's statement and also that of Private Claes Hallencreutz of my troop, who saw the whole affair.

Both statements agreed in all essential points and were embodied in my report to Lieut. Col. Parker, commanding the troops in the Strip. (Copy hereto appended marked K.)

I talked with a number of civilians and their statements agreed with that of Sergt. Willard, in that the man J. R. Hill started before 12 o'clock; that the soldiers fired a number of shots in the air before firing at anyone; that J. R. Hill, the man killed, was repeatedly called upon to halt and did not obey, but did differ as to whether there were others ahead of him when shot, and as to a shot being fired by some one in the line, thereby causing the break.

Mr. Schiffbauer told me that one man who was behind Mr. Hill and saw the shooting said that the soldiers at first held their pieces with muzzle pointing upward when firing. (See copy of certificate hereto appended marked L.)

A man whose name I do not know, and whom I have been unable to find, stated to me that he had camped with Hill for two months, and was about 400 yards behind Hill when he was killed, and that Hill was much excited and rushed out of the line two or three times with two flags in his hand and was ordered back.

(2) *That witnesses declare that more than one shot was fired by soldiers.*

Reports of both soldiers and civilians agree upon this point—there were several shots fired.

(3) *That 2, instead of 1 man, were killed by soldiers when the north line moved.*

If there were, it was not reported to me, nor did I hear of it in Arkansas City.

(4) *That the body discovered September 17, several miles south of the border, is that of another man shot by the troops.*

On September 18, in Arkansas City, Mr. Richardson, of the Kansas City Star, told me that the body of a man shot through the groin had been found on the Shakaska Creek, and that several people said that they had seen the man shot at the time J. R. Hill was shot, though he did not fall from his horse and still continued the run.

The place where this body was found was about 12 miles from the north line, I was told, and there were several dead men found. On the morning of September 17 I was told by the news agent of the Kansas City Times that he saw the dead body of a man shot through the head lying out on the prairie near Kildare, about 12 miles south of the line on the Santa Fé Railroad, and there were reports of conflicts with sooners in the Shakaska region where this body was found.

I doubted the evidence of any one who, in all the dust and excitement, claimed to have been able to see the man hit by a bullet, though he did not fall from his horse, which was at a full gallop; and refused to believe he had been shot by the troops, any more than had others whose bodies were found.

(5) *That September 17, at a point about a mile this side of the line in the State of Kansas, a boy riding a horse toward the Strip was stopped by several men who claimed that the horse was stolen; that a soldier interfered, telling the boy to ride on, at the same time drawing his revolver; that the crowd was awed by the trooper, plainly under the influence of drink, firing three shots into the horse.*

I regret to state that this charge is without doubt true.

The man, Trumpeter Herman Steckert, Troop C, Third Cavalry, had been sent to Arkansas City for a doctor to attend a wounded man of the troop and was absent some four hours more than he should have been.

On his return, late in the afternoon, he reported the above occurrence to me; the man was plainly drunk, and I could not believe that his story could be true, so waited to learn something more.

On the following morning, Mr. E. N. Smith, of Eldorado, who claimed to be the owner of the horse, came into my camp and complained that his horse had been killed by a soldier, and giving circumstances and names of witnesses. I called Trumpeter Steckert and he acknowledged the offense, and I immediately placed him under guard.

I told Mr. Smith I would do just as he wished; I would turn the man over to the civil authorities of Kansas or have him tried by court-martial. Mr. Smith said he would find out what the punishment under the civil law was and let me know. He wrote me a letter (copy appended marked M) stating that he would rather trust to a court-martial.

Trumpeter Steckert is now in the guardhouse at Fort Riley, and charges have been preferred and forwarded charging him with killing a horse and threatening civilians of Eldorado, Kans.

(6) *That soldiers received bribes from sooners and were guilty of cruelty and drunkenness.*

That soldiers received bribes from sooners—I was at the booth in person almost constantly from the morning of September 10 until the night of September 15.

It was reported, and complaints by people in line at the booth were frequently made to me, that the soldiers were being bribed to let men in, or at least that they let men in out of their proper turn.

I know that some of my men were approached with offers of money to allow persons to register out of their turn, for I asked them myself, and they answered that they had.

In every case where a man complained to me that people were being brought into the booths out of turn, I at once asked to have the person pointed out, and in several cases found men who had gained entrance by representing themselves as deputy marshals, deputy sheriffs, etc., on duty, and promptly put them out, in two cases tearing up the certificates they had already received when I found them.

Whenever a man complained to me that my men were being bought up, I always asked him to show me any man who had allowed any one to enter the booth out of turn or had received money to allow anyone to do so, but in no case was a single complainant able to point out any soldier.

In one case a man came to me and said he knew one of the soldiers who had received money and allowed "sooners" in; I took the man with me and showed him every man there on duty at the booth; and he could not identify the soldier, and said he must have left. On another occasion, a man said he knew two men who had bought their way in at \$2.50 each; I told him that was no proof, and asked him to bring the men to me so that they might identify the soldiers who allowed them in; he said that they were then in Arkansas City, and asked if I would accept affidavits; I told him I would, but the affidavits never made their appearance.

On another occasion, on the night of September 14, about 12 p. m., several people complained that a soldier had just allowed a "sooner" in; I called every man up in line in the light before them, and asked any one to identify the soldier, which no one was able to do.

Many of these complaints about "sooners" being allowed in the booths by soldiers arose from the fact that the people in line did not know the registering clerks, mail carriers, and others whose duties necessitated entering and leaving the booths.

From my personal experience I know that bribery was frequently attempted, because if I refused one I refused fifty offers of money by gamblers who wished to run games on the strip, by people who wished to register without falling in line, and by people who wished to enter the strip before 12 o'clock noon and not be disturbed by the troops. These offers of money ranged all the way from \$100 by the gambler to \$5 by the people who wished to register.

One settler, Mr. Hilligoss, of Santa Fe, Okla., told me that he was one of a party who had made a pool of \$100, and that they offered this amount to a sergeant of my troop to allow them to enter the strip on the night of September 15; that the sergeant refused, and talked to them and reasoned with them, so that he gave up any idea of "soonering" it and made the run according to law. I know that he made the run, for he started not 20 feet away from me at 12 o'clock noon September 16. He said the remainder of the party turned back, but decided to try and slip through the line, but could not say whether they succeeded or not, as he had not seen any of them since.

(b) *Charge of cruelty.*

If any of the men were guilty of any act of cruelty it was not reported to me, and I knew nothing of it except in the case of the man who killed the horse of Mr. E. N. Smith.

And any act of cruelty was contrary to orders, as my orders were to treat every one with courtesy as far as possible.

(c) *Charge of drunkenness.*

I regret to say that there were nine cases of drunkenness that came to my notice while the troop was on duty in the Cherokee Strip.

Of these cases three were of men who were on duty in detached camp and went to Arkansas City without my knowledge; three were of men who became intoxicated at the booth one night while I was in my camp; one, of a man who had been sent to Arkansas City for a surgeon and became intoxicated there, while but two cases occurred while I was present in person.

But all cases of drunkenness at the booths was due to the fact that just inside the Kansas State line and not 100 yards from the booths were three saloons, running, I believe, contrary to the laws of the State of Kansas, and without a United States license, and that many people in the crowd in order to stand in with the soldiers would treat them to liquor whenever my back was turned.

I made every effort to suppress drunkenness both in the crowd and among my men. I asked the sheriff of Cowley County to close the saloons; he said he would if I said so, but it was not done.

Deputy Constable Crowley, of Arkansas City, with several other deputy constables, came to me with a note from Mr. Bonsall of Arkansas City, justice of the peace, which stated that the constables were to act in conjunction with my troop to preserve the peace, etc. Mr. Bonsall had assured me that he would aid in closing saloons, so I requested the constables to close them; it was not done. Mr. Schiffbauer, of Arkansas City, came to me and told me I had no authority to order these saloons closed. I told him I knew it, but had been assured by the United States Commissioner Bonsall, Deputy United States Marshal Rarriek and Mr. Theophilus, assistant district attorney, I believe, that those saloons should be closed. I then requested the saloon keepers to sell no liquor to any soldiers, and they promised not to do so, and I believe kept their promise, but of course they could not prevent people from bringing liquor outside to my men.

Some of my men took advantage of the fact that I could not keep them in confinement as I could not spare them and a guard, for I needed every man for duty either at the booth or in the Strip.

One of my men even resisted arrest by me, and I was obliged to knock him down to make him submit. All of these men are now under charges for trial by court-martial.

(7) *That settlers have fallen victims to prairie fires.*

To my personal knowledge no settlers have been burned to death, but I saw newspaper reports of several deaths by fire.

On my first scout I went over all of the district assigned to me to guard and found that a large portion of it had been burned over, and also saw two or three prairie fires then burning.

On all scouts made by my troop or detachments of it prairie fires were seen, and for two or three days before the opening prairie fires were burning in various portions of my district, but principally west of the Santa Fe Railroad.

On the day of the opening, I myself saw a prairie fire sweeping up to the north just east of the Santa Fe Railroad; this fire could not have been started by soldiers, as not one was in the region where the fire started.

In connection with the matter of soldiers receiving bribes I wish to say further that after these reports were made to me I placed two noncommissioned officers whom I could trust, with orders to keep watch over the men on guard at the booth without appearing to do so and see if they could detect any evidence of bribes being taken by the men on guard. I also kept close watch, keeping out of sight, but could not detect any soldier allowing a man in out of his turn.

While in Arkansas City on September* 5, 6, and 7 I found men who swore that they bribed soldiers, but I also found some who had attempted bribery and failed.

Very respectfully, your obedient servant,

F. M. CALDWELL,
Second Lieutenant Third Cavalry.

A.

FORT SUPPLY, IND. T., August 28, 1893.

To the Commanding Officer Troop C, Third Cavalry,
Chilocco, Ind. T.:

SIR: Pursuant to telegraphic instructions from headquarters Department of the Missouri, by which the troops charged with the duty of clearing the Cherokee Strip of intruders (previous to the opening of the same to settlement on the 16th proximo) are placed under my command, you will observe the following:

You will remove promptly and absolutely all unauthorized persons, as well as cattle found, from the district hereby assigned you to patrol, *i. e.*, the eastern half of that portion of the strip bounded on the east by the Arkansas River; on the west by the Rock Island Railroad; on the south by a line running east and west through the southern boundary of the Ponca Reservation, and on the north, of course, by the northern boundary of the Strip. Troop B, Third Cavalry, will have the district south of you, and Troop E that west of you.

You will, in accordance with instructions of the Acting Secretary of War, coöperate with the agents of the Interior Department.

Permits issued by Inspector N. P. Swineford to enter the Strip will be recognized by you. As far as practicable keep up communication with the troops to the south and west of you.

Take the names, addresses, and personal description of all intruders found and forward a duplicate of the same to this office.

* Must mean October.—J. M. LEE.

For telegraph, rail, and supply facilities establish a camp at Chilocco.

By the terms of the President's proclamation a strip of land 100 feet in width, around and immediately within the outer boundaries of the entire tract of country to be opened to settlement, is temporarily set apart for occupancy in advance of the hour and day named for the opening of said country.

Very respectfully, yours,

A true copy.

D. PARKER,
Lieutenant-Colonel Thirteenth Infantry.

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

B

[Telegram.]

FORT SUPPLY, IND., T., *September 3d, 1893.*

Commanding Officer Troop C, Third Cavalry, Camp at Chilocco, via Arkansas City, Kans.:

Send suitable detail to booth at Chilocco to guard it from time of its erection. Work begins Monday next. Acknowledge receipt.

PARKER,
Commanding.

Official:

J. C. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

A true copy:

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

C.

[Telegram.]

FORT SUPPLY, IND. T., *September 13, 1893.*

*Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.:*

The following is repeated for your information:

"Guthrie, Okla., September 13. Parker, commanding Fort Supply, Ind. T.: Complaints come in large number; professional repeaters in line at booths retarding registration. As fast as they sell out take places again and repeat operation."

As far as practicable endeavor to prevent this if attempt be made at booth under your charge.

PARKER,
Commanding.

Official:

J. C. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

A true copy:

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

D.

FORT SUPPLY, IND. T., *September 5, 1893.*

*Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.:*

SIR: I inclose herewith certain memoranda for your information and guidance. Please acknowledge receipt by telegram mentioning "subject." Instructions regarding distribution of troops on the day of

opening, etc., will be sent you (by mail if time permits, otherwise by telegraph) as soon as the necessary arrangements can be made with the special agent of the Interior Department.

When the day of opening is nigh at hand, you will please make such disposition of your command as will effect its speedy concentration at or near the point or points in your district where the runs are expected to be made (leaving, however, the detachments at the booths until further orders) on the day of the opening, and you will please also at the same time be personally either at your telegraph station (Arkansas City, Kans.), or near to, in order that orders sent you be promptly received.

Very respectfully, your obedient servant,

D. PARKER,

Lieut. Colonel Thirteenth Infantry, Commanding.

A true copy:

J. F. BELL,

First Lieutenant and Adjutant Seventh Cavalry.

MEMORANDA.

Concerning existing orders and regulations governing the use of troops under paragraph 583, Army Regulations, or such parts thereof as are applicable to cases that might arise just previous to or at the opening of the Cherokee Strip.

(1) Attention is invited to paragraphs 583, 584, and 585, Army Regulations, and particularly to sections 5297 to 5300, inclusive, Revised Statutes.

(2) The troops are primarily collected at such points as may be designated for the purpose of preserving peace, of protecting Government property, United States mails, and guarding the people from lawlessness and disorder. They should use every effort to preserve peace, to execute the laws, to exercise forbearance by every proper measure before resorting to force, to avoid conflict, and prevent difficulties between settlers. Also to preserve status peaceably established by actual settlers, and not to permit it to be disturbed by force or violence. If marshals or deputy United States marshals or both are present they should be called upon to make arrests at the demand of the military in case of disturbance, and the latter should act with entire harmony with the accredited agents of the Interior Department.

In case of disturbance threatening riots or bloodshed, or both, the officer in command reports the facts to the President through the Adjutant-General of the Army, and awaits orders. Where, however, the emergency is great (which would probably be the case if one occurred at all), such as a sudden insurrection or riot endangering United States property, or in other like cases, the officers of the Army may, if they think the necessity exists, take such action before the receipt of instructions as the circumstances and the law under which they are acting may justify, reporting the same immediately thereafter to the President through the Adjutant-General of the Army.

With regard to contests between settlers and others over lots, claims, and town sites, troops may be used simply to preserve peace, but all claims must be settled according to law, and all property interests must be decided by the Interior Department and the courts.

Official copy respectfully furnished commanding officer Troop C, for his information and guidance.

D. PARKER,

Lieutenant-Colonel Thirteenth Infantry, Commanding.

J. F. BELL,

First Lieutenant and Adjutant Seventh Cavalry.

A true copy:

E.

FORT SUPPLY, IND. T., September 11, 1893.

*Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, Ind. T.:*

SIR: You will please make such disposition of the troop under your command as will insure its being stationed on the 16th instant (the day of the opening) along the northern boundary of the Cherokee Strip within the district assigned you to patrol.

Early on the morning of that day send small patrols to scout the boundary as far as Hunnewell. Two small patrol parties (or more if you can spare them) working toward each other from Hunnewell and Chilocco, would be a good disposition. The bulk of your command to be at and near Chilocco, covering the people congregated to make the run. These remarks are intended as general expressions as to what is desired, rather than orders that are to be taken literally; and, knowing yourself the requirements, you, being on the spot, can modify them to suit the circumstances, keeping these requirements in mind, *i. e.*, to exclude intruders, preserve the peace, guard United States property, and carry out other instructions previously given you.

With regard to the signal to be given at the hour appointed by the President for the opening, arrange matters so that precisely at that time shots be fired simultaneously along the line under your personal supervision.

As the commanding officer Troop E, Third Cavalry, will have two booths under his charge on the day of opening, you will send as strong a detachment as you can spare to report to him for duty on the evening of the 15th instant, or early on the morning of the 16th; communicate with him and arrange matters between yourselves.

Please acknowledge receipt of this communication.

Very respectfully,

A true copy:

D. PARKER,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

F.

[Telegram.]

FORT SUPPLY, IND. T., September 3, 1893.

Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.

Recognize permits to enter Cherokee Strip signed by special Agent Emmitt Womack, Interior Department.
Acknowledge receipt.

Official:

PARKER,
Commanding.

A true copy:

J. T. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

G.

[Telegram.]

FORT SUPPLY, IND. T., September 6, 1893.

Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, Ind. T., via Arkansas City, Kans.:

Replying to your letter of the first instant, the decision of Commissioner Lamoreux is that the hundred feet can not be laid off on the east side and the run made from that side without interfering with Indian reservations and Indian allotments. The run therefore should not be made from the east side of the outlet. As I understand it people are not to be allowed to congregate on the Chilocco, or any other Indian reservation. This is also Special Agent Womack's view of the matter.

Official:

PARKER,
Commanding.

A true copy.

J. T. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

H.

[Telegram.]

FORT SUPPLY, IND. T., September 8, 1893.

Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.:

The following telegram is repeated for your information and guidance:

"GUTHRIE, OKLA., September 8, 1893.

"Lieut. Col. PARKER,

"Commanding Troops in Cherokee Strip, Fort Supply, Ind. T.:

"I am instructed by Commissioner Lamoreux, to give notice that persons will be allowed to occupy 100 feet strip around Chilocco Reservation. Of course persons will not be allowed on the reservation itself.

"EMMITT WOMACK,
"Special Agent."
PARKER, Commanding.

Official:

J. C. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

A true copy:

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

I.

FORT SUPPLY, IND. T., September 12, 1893.

Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.:

SIR: As soon after the opening on the 16th instant as you deem judicious (that is, when matters quiet down and you find that it is not necessary to go elsewhere in your district), you will go into camp at the booth assigned you to guard, and remain there until further orders, joining the detail of your troop already there.

I will state for your information that four infantry companies have been ordered to the land offices, one to be stationed at each one, viz, Alva, Woodward, Enid, and Perry.

Please acknowledge the receipt of this by telegraph.

D. PARKER,
Lieutenant-Colonel Thirteenth Infantry, Commanding.

A true copy:

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

J.

[Telegram.]

FORT SUPPLY, IND. T., September 13, 1893.

Commanding Officer Troop C, Third Cavalry,
Camp at Chilocco, via Arkansas City, Kans.:

On day of opening send small detachment under charge of a reliable noncommissioned officer to point where railroad crosses the Strip line near Arkansas City, Kans., with instructions to carry out Secretary of Interior's order published in newspapers of the 12th instant.

Acknowledge receipt.

PARKER, Commanding.

Official:

J. C. FOX,
Second Lieutenant, Thirteenth Infantry, Post Adjutant.

A true copy:

J. F. BELL,
First Lieutenant and Adjutant Seventh Cavalry.

K.

CAMP NEAR CHILOCCO, IND. T., September 18, 1893.

Lient. Col. D. PARKER,

Commanding troops in the Strip, Fort Supply, Okla.:

SIR: I have the honor to submit the following report of the events occurring in my territory on the day of the opening of the Strip:

My troop, C, was thus distributed on the morning of September 16:

Corporal Whitty and 4 men were along the north line of the Strip from the Arkansas River to a point 3 miles west; from this point to the eastern boundary of Chilocco Reservation the line was guarded by Sergt. E. Murphy and 4 men; along the southern boundary of Chilocco Reservation were First Sergt. Murphy and 9 men; I was at the point where the railroad crosses the southern boundary of reservation; west of the Chilocco Reservation, as far as Bitter Creek, the line was guarded by 10 men under charge of Sergts. Ihling and Willard; Sergt. Schivene and 4 men were sent down the west bank of the Arkansas River to keep people from running from the Osage Reservation.

East of the Chilocco Reservation and along the southern boundary of it the crowd was orderly and no break was made until the signal was given at 12 o'clock. West of the reservation the crowd broke away about ten minutes before 12 o'clock. Sergt. Ihling reports that some one fired a pistol in the crowd at that time which caused the break.

Sergt. Willard reports that he heard no shot, but saw a bunch of about 30 horsemen break away near him, and that he and another man, Private Hallencreutz, started to head them off, calling on them to halt and firing their pieces in the air; that there were two men some distance ahead of all the others; that he repeatedly called upon these men to halt; that one replied that no one should stop him, or words to that effect; that he fired two shots near him, but that he still continued to ride at full speed; that then he, Sergt. Willard, dismounted, and when the man was 300 or 400 yards ahead of him, fired one shot at this man and saw him fall from his saddle; that he then saw the crowd which had at first started back coming and that they could not be held, so he let them go without any further effort to stop them; and that he had not the slightest idea of hitting the man, as the man was riding at full speed and so far away. It was afterwards reported to me that the man had been killed, and that he was a James Hill from New Jersey.

The orders given the men on the line that morning by me were, that if any one or two men tried to break away before the time, 12 o'clock, they were to make every effort to stop them, and if it became absolutely necessary, to shoot; but that in case a large number broke away so that it would be evident the line could not be controlled, the signal was to be given and the crowd allowed to go.

It seems that while it was very unfortunate this man should have been killed, Sergt. Willard was doing nothing more than his duty.

The orders under which we were acting were to the effect that all unauthorized persons were to be kept off the Strip absolutely until 12 o'clock, September 16, 1893, and that force was not to be used until absolutely necessary.

The foregoing seems to me such a case, and I shall refuse to deliver this man up except upon application of the United States civil authorities, as I am now camped on the school reservation at Chilocco, or upon an order from my commanding officer.

Very respectfully, your obedient servant,

F. M. CALDWELL,
Second Lieutenant, Third Cavalry.

L.

OFFICE OF C. SCHIFFBAUER & Co.,
FERD HEIM BREWING COMPANY,
Kildare, Okla., October 7, 1893.

I hereby certify that a man, a stranger to me, while here in Kildare, told me that he saw the shooting of J. R. Hill, and that the soldier who fired the shot fired two or three shots at first with the muzzle of his carbine pointing in the air before firing at or near the said Hill.

CHAS. SCHIFFBAUER.

M.

EL DORADO, KANS., *September 19, 1893.*

Lieut. CALDWELL.

DEAR SIR: On examining the statute I find that one year in county jail is the extent of punishment together with a fine. Now, your man can not pay a fine, if confined in jail, and that would in no way recompense me for my great loss. I wish you to have him court-martialed, and I will trust my Army friends to do justice to both so far as it is possible. I will appear as a witness whenever wanted, and can furnish other witnesses as to killing and value of the horse.

Thanking you for your kindness yesterday and hoping to hear from you soon, I am, very respectfully,

E. A. SMITH.

2.

ARKANSAS CITY, KANS., *October 4, 1893.*

Second Lieut. Frank M. Caldwell, Third Cavalry, being duly sworn according to law, states as follows:

My instructions were: In case any one or two men made a break into the Strip before the signal was given at 12 noon, September 16, 1893, the men were to make every effort to stop them, and, if absolutely necessary, to shoot. If a large number of people made a break so that it was evident that the line could not be continued, to give the signal and let the crowd go.

I gave permission for homesteaders to make the run from Chilocco. I received the following telegram authorizing the homesteaders to make the run from Chilocco:

"I am instructed by Commissioner Lamoreaux to give notice that persons will be allowed to occupy 100-foot strip around Chilocco reservation. Of course persons will not be allowed on reservation. Emmitt Womack, Special Agent."

I was on the south line of Chilocco at 12 noon, September 16, and gave the signal to go by firing my pistol.

No money was turned in for hay left at Cary or Government Spring.

The following men of Troop C, Third Cavalry, were arrested for disorderly conduct in Arkansas City: Sergt. Scherene; Privates A. Barbin and Joseph Belle Isle. Sergt. William R. Willard did the shooting that killed Hill. Trumpeter Herman Stechert shot and killed Smith's horse.

Note by Capt. Lee.—At Perry land office, October 5, 1893, I was informed and saw papers rejecting applications of John W. Switzer, of Arkansas City, Kans., and George O. Brewster, of Cleveland, Kans., on account of running from south side Chilocco school reservation—"sooners."

Also saw record rejecting Charles W. Surlock and Robert W. Tindall, of same place, for same reason.

3.

Sergt. Samuel Ihling, Troop C, Third Cavalry, stated under oath as follows in answer to interrogations:

1 Q. How long have you been in the service?—A. Nearly fourteen years.

2 Q. Were you on duty with your troop at the recent opening of the Cherokee Strip?—A. I was, from about the 1st of September until we returned, about the 28th.

3 Q. State fully the nature of your duties, the orders you received, and what occurred?—A. I was in charge of a detachment of four men to scout the Strip, keep out and put out all persons who had no authority there before the opening. I was assigned on the west end of the Chilocco school reservation and scouted west from there along the Kansas line up to Hunnewell, a distance of about 16 miles; I went up and back the same day repeatedly, sometimes not quite as far, as I would meet or hear of E Troop (Capt. Elting) detachments coming there. The people waiting to go in were camped along the Kansas line as far as I scouted. There were no registration booths between Chilocco and Hunnewell; there was one near Hunnewell. I did not go into Hunnewell. I saw people going to the booths at Hunnewell to register. Before the opening I drove out four or five families that were in the Strip; I took their description; they would not give their names. My orders were to keep out intruders and take their names and description and report. Had no trouble in putting them out nor in keeping others out; I simply ordered

and escorted them out to the line. All this duty was performed quietly and not necessary to use any severity; this continued until the day of the opening, when I had some little trouble. The trouble was, there was considerable confusion and annoyance in getting the people in line along the border, and they made a break from the west end of the schoolhouse probably seven or eight minutes before 12 o'clock; some citizen fired a shot and the line started to break from there, and the others seeing it broke also and carried along that way west. The line of citizens were instructed and clearly understood that the soldiers, 100 yards or so in front and about one-quarter of a mile apart, would fire the shots as a signal at 12 o'clock. I was next to the Kansas border near the west-end fence of the Chilocco school reservation when the break occurred; I tried to stop them, calling out and holding my pistol in the air and yelling out that there had been no signal given and for them to wait; from there west the whole line started and I saw it was no use to try to stop them and I let them go. I heard a shot (false alarm) fired; as it was faint, it was a considerable distance away.

My orders were not to allow any one to go in under any circumstances before the time. I understood that my orders would justify me in stopping by any necessary means any one who undertook to lead the crowd in violation of orders, even to the extent of firing on him if I could stop him in no other way, but as the whole crowd seemed to move at once I did not feel justified in firing.

I was not at the booth nor my detachment, and saw no drinking or drunkenness of any kind.

Shortly after we went there I noticed the prairies were on fire a considerable distance away, and one fire came up near the Chilocco schoolhouse. I do not know how these fires started. I heard a citizen say that a man having a considerable lot of hay (Blackwell by name) started the fire. I know that my detachment started no fires. We returned to camp every night, taking a lunch with us for the day. The people along the line waiting for the opening were orderly. Many, however, came on the day of the opening from Arkansas City. They had been staying there, owing to the scarcity of water and forage along the line.

I know of no soldier firing a shot on the day of the opening. I know nothing about the death of Hill. We came into camp that night after the opening. That night or the next morning I conversed with Sergt. Willard about the death of Hill. Sergt. Willard said, as I remember, that Hill was one of the leaders of the break; that he ordered him to halt and he did not do so; that he then fired a shot and he still didn't halt, and then he fired another shot, and, I think he said, the shot hit Hill.

I heard about the killing of a horse, but have no personal knowledge of the matter.

As far as I know there seemed to be no ill-feeling between citizens and soldiers, and everything seemed to be as quiet as could be expected in such a large crowd.

There was no bribery or offers to bribe made to me or to my men to my knowledge. In scouting the men were with me and were not in a position to receive any offers of that kind.

On the day of the opening there were vast crowds along the west end of the school reservation to Hunnewell; on the day of the opening many thousands, and I estimate there were from 40,000 to 50,000 people, including sightseers. Probably two-thirds of them were there to make a run for claims. I rode the line that morning 10 miles west and back before 12 o'clock. I was away from the troop until after the opening, and joined it that evening and remained with it, and saw no special cases of drunkenness except one or two cases of men who staid overtime on pass. One of them is now in the guardhouse here. I had the time from a citizen, and all arranged to make the start at signal.

SAMUEL IHLING,
Sergeant, Troop C, Third Cavalry.

Sworn and subscribed to before me this 1st day of October, 1893, at Fort Riley, Kans.

J. M. LEE,
Captain Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

4.

Sergt. William R. Willard, Troop C, Third Cavalry, was informed by Capt. J. M. Lee that it was entirely optional with him whether he made any statement or not with regard to this matter. Sergt. Willard stated that he desired to state the matter fully; had nothing to conceal; that he was on duty and believed he was

carrying out his orders; and at his request was duly sworn by Capt. J. M. Lee, and stated as follows:

I was on duty on west side of the Chilocco Indian reservation on the morning of the opening, September 16, with Sergt. Ihling, Troop C, Third Cavalry, with orders to patrol that line and hold the crowd back until the signal was given; and they—all of the crowd—had fair warning, as Sergt. Ihling and I rode the line and told them how the signal would be given; and just before 10 minutes of 12 there were two men that started from the line mounted on a run, and after they gained a little distance a small bunch started to follow behind them. Private Hallencreutz, Troop C, Third Cavalry, tried to head them off, calling to the two men ahead to halt, and they paid no attention to the order. I yelled at the top of my voice and Hallencreutz, too. They heard us, easily, not over 150 yards away, and one of them, Hill, turned his head toward us in apparent response to the challenge. Their horses were running too fast for ours to overtake them; so we, Private Hallencreutz and I, commenced shooting over their heads, and Private Hallencreutz dismounted to fire, and I called to him as I went by on my horse to be sure and shoot high so as not to hit anybody. Between us and the two men there were no others; there may have been some to the right of us from the bunch that followed, and after going about 1,000 yards from the line I stopped my horse and challenged him for the last time. At that last challenge he was perhaps 200 yards ahead, and I fired to shoot over his head with a flat sight, and there were other reports of shots around at this time, whether from boomers or soldiers I do not know, as nearly all the boomers had Winchesters and six-shooters, and I fired lying down. I got on my feet and saw that the man had fallen. I thought at first that his horse had stumbled and thrown him, for I aimed over his head and had no intention of striking him, and looked back and saw the lines were broken, and let them go ahead as we could not stop them, and I rode back and reported to Lieut. Caldwell, Third Cavalry. When the two men first started from the line the small bunch that followed them was probably ten or twelve, mounted, and about 50 yards in rear. The general break in the line did not occur until shortly after this, possibly in one or two minutes. When the two men started I was back of the first line of wagons, probably 75 yards back from where the two men started. There was no noise or confusion at the time. Everything was quiet.

The crowd was notified at the time that five minutes before 12 the soldiers would be in front of the line about 100 yards and about 500 yards apart so the signal could be seen and heard along in front; when the two men made the break we were aligning the crowd along the starting line and getting everything in good shape. I heard no shot fired before these two men started; I heard a report afterwards that some one in the crowd had fired a shot at the time these men started; I was so near to where these two men started, that had a shot been fired I would certainly have heard it; from the circumstances it is my honest belief that the two men and the bunch that followed them deliberately started ahead of the time so as to get an advantage over the others.

Before the opening I had three men under my orders engaged in scouting and watching the roads into the Strip. Know nothing of bribery or attempt to bribe whatever.

There were prairie fires burning when we arrived there and continued nearly all the time we were there; we could see them nearly every night.

I know nothing about the report of drunkenness; there were no saloons where I was, and my men attended to their business.

WILLIAM R. WILLARD,
Sergeant, Troop C, Third Cavalry.

Sworn on October 1 and subscribed to on October 2, 1893, before me, at Fort Riley, Kans.

J. M. LEE.
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

On October 2, 1893, Sergt. Willard stated further: That he and Sergt. Ihling were to get the time from some disinterested party, and both were to fire the signal shots in front at noon—by that time. That he saw the party, a citizen, who was not to make the run, and they, Sergts. Willard and Ihling, had the time from him.

5.

Sergt. August Quell, Troop C, Third Cavalry, stated under oath as follows in answer to interrogations:

I was on duty with Troop C, Third Cavalry, at the opening of the Cherokee Strip. Most of the time I was in main camp and two days I was out patrolling at the rail-

road crossing to keep wagons from going to the booths. I had three men with me. On the day of the opening I was on the southwest corner of the Chilocco school reservation. I had two men with me and had orders to keep people back until the signal from the first sergeant. My men were deployed in front about 15 yards and about 500 or 600 yards apart. I had no trouble in carrying out my orders; the crowd was quiet. About ten minutes after the signal Lieut. Col. Parker, Thirteenth Infantry, came there. After the rush I heard that a man had been shot.

There were prairie fires burning when we first went there; did not notice any on the 16th. I was on duty at the booth one afternoon and one night. I was on duty there to keep back the crowd and prevent people from running ahead of others; had no trouble. I had three mounted men with me that day and was out about 25 yards from the booth. Never heard of any cases of bribery at all.

As to drunkenness, probably some men went down in town and got drunk. I saw no drunkenness in camp or with men on duty. I talked to a good many citizens after the opening who were disgusted that so many "sooners" had gotten into the Strip, just general talk, without saying whose fault it was.

AUGUST QUELL,
Sergeant, Troop C, Third Cavalry.

Sworn and subscribed to before me, at Fort Riley, Kans., this 1st day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

6.

Corpl. Mert J. Whitty, Troop C, Third Cavalry, stated under oath as follows:

I was on duty with the troop at the opening of the Strip; I was on duty at the booths at Chilocco, most of the time on the outside, mounted, assisting in keeping the lines in order with the other soldiers; I was there until the night before the day of the opening, when I was sent out in charge of a detachment. While there everything was quiet and orderly. On the day of the opening I had 4 men on the line east of the booth. My orders were to patrol the line and keep off intruders, keep the crowd back until 12 o'clock, when my men would be stationed along the front to pass the signal by firing shots. I received all my orders from Lieut. Caldwell, Third Cavalry; had no trouble to carry out my orders; the crowd was orderly and quiet, and remained so until the signal was given, when they came in; there were several thousands along there; there was some talk of a break where I was, but I checked it without trouble.

Heard of no bribery of anybody. When we first went there I noticed there were prairie fires burning in the distance. On the day of the opening, shortly before 12 o'clock, I noticed what appeared to be fresh fires in the distance from the smoke curling up.

I know nothing about the killing of Hill. As to the drinking, several of the soldiers were at times under the influence of liquor; there was a great deal of drinking among the citizens; they had bottles of whisky, and there was four saloons in tents right across the line in Kansas opposite the booths. We got along in our duty all right had to use no violence, but at times had to speak pretty gruff to some.

MERT J. WHITTY,
Corporal, Troop C, Third Cavalry.

Sworn and subscribed to before me, at Fort Riley, Kans., this 1st day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

7.

Private Claes Hallencreutz, Troop C, Third Cavalry, stated under oath as follows:

I was on duty with my troop at the opening of the Cherokee Strip and on the day of the opening, September 16. I was under Sergt. Ihling to keep back the crowd until 12 o'clock noon; my orders were to keep back the crowd, lined up until the signal was given by the sergeant, and then I was to fire my piece in the air. A shot was fired in the crowd not very far from me a few minutes before 12 o'clock; this shot was fired by some citizen. I know so, because afterwards, about a quarter after

12 o'clock, a man who was riding out slowly into the Strip told me he saw the man fire the shot that made the break. I don't know the names of either. When this shot was fired before 12 on the 16th, a break was made a little further west on the line, about 300 yards from where I was; two men started ahead mounted, one in the lead on a gray horse and both on the dead run as fast as they could go; a crowd of 10 or 15 followed them from 50 to 75 yards in rear; as soon as they had gotten a little ahead the whole line broke. I had a slow horse and got out of the way of the wagons by getting inside of the school reservation fence and riding down south about 1,000 yards; then I went out there. I saw Sergt. Willard, who holloed to me and told me that a false break was made and to fire my piece and shoot high and try to stop the two men ahead and the crowd that followed them; they were at least 400 yards ahead of the sergeant and myself. He told me to shoot high over their heads in the air, which I did. I fired from my horse and started ahead; I fired about five rounds. Sergt. Willard had a faster horse than mine and passed me, and I saw him dismount and lie down and fire. I dismounted and fired one shot right under the man—of the leading man. I intended to fire near him so as to raise the dust, which I did; then I reloaded my piece and took aim to shoot the horse under him; then Sergt. Willard came and told me it was no use to try and stop them, so I did not fire. I did not see either of the two men fall from their horse; the man who was shot rode a sorrel horse and was the second man. I know this because I helped to bring the body to the school reservation about two hours afterwards.

When the sergeant fired lying down the two men must have been 500 yards ahead. I mean that the sergeant was kneeling instead of lying down. I fired the five shots before the sergeant knelt down and fired; when I fired they were about 700 yards ahead. I fired one shot after that, when I raised the dust around the advanced man, the man with the gray horse. I fired no more. I do not know which shot hit Hill; about that time the crowd began to come up in large numbers and passed on.

Sergt. Willard, Sergt. Ihling, Corpl. Conway, and myself were on duty on that part of the land; other soldiers were too far away to know what took place there. When Sergt. Willard and myself were pursuing the two men there were a number of shots fired from the rear, as I supposed by citizens, as many of them were armed.

As I rode back right away after this in the crowd, I met a citizen swinging his pistol in the air, and ordered him to put it up, which he did. After this I returned to main camp that day.

Sergt. Ihling being the senior sergeant was to give the signal, but he never gave it, for the crowd broke before the time. Sergt. Ihling was in the corner next to the fence holding the crowd back. When the shot was fired by a citizen that made the false alarm Sergt. Willard was not very far from me, about 25 yards; the shot was from a pistol, and not the report of a big gun.

I received my orders from both Sergt. Ihling and Sergt. Willard to keep the crowd back. I had no orders to shoot anybody.

I was not on duty at the booths at all. I don't know anything about the drunkenness, if there was any. I was with Sergt. Ihling all the time until the opening. I rode the line west with him before the opening.

I saw prairie fires burning in the distance, and it came in so close that the Indian school children at Chilocco had to go out and put it out; as to whom started the fire I do not know; a man living on Bitter Creek, right near the line, told me it was reported that a squaw man by the name of Blackwell was seen riding along and throwing out burning matches and setting fire to the grass in order to sell a large lot of hay which he had, said to be about 500 tons. I know the place, but not the name of the man that told me this.

CLAES HALLENCREUTZ,
Private, Troop C, Third Cavalry,

Sworn on October 1 and subscribed to on October 2, 1893, before me, at Fort Riley, Kans.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

8.

ARKANSAS CITY, KANS., *September 30, 1893.*

Rev. D. D. De Long, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at the opening of the Strip and took up my position at the southwest corner of Chilocco school land. We were greatly surprised to find that the soldiers

gave permission to the homesteaders to make the run from the south side of Chilocco. We found on getting out there that the fence was open, and we drove out to the very southwest corner, and when the order was given "to run" I drove my carriage after them in a southwesterly direction.

I was within about 25 rods of Hill when he fell from his horse. I went to him at once and found him shot in the back of the head, the ball coming out of the right eye. I noticed him riding in the lead before being shot. He was running from the Kansas line. I looked at my watch at the time Hill was shot; it was then 12:05 noon. Hill's watch marked 12:15 when I opened it; this was after a short parley as to what we should do with his valuables, etc.

There were hundreds of people far in advance of Hill when he was shot, having started to make the run from the south front of Chilocco Strip.

The soldiers were boisterous in town; they frequented saloons and were in an intoxicated condition.

What I mean by the order "to go" was: We saw a puff of smoke on the southeast corner of the Chilocco line. I looked at my watch, which was the correct time I got from standard; it was then exactly 12 noon.

Mr. Hill was not armed at the time he was shot. He had a broad belt on, in which he carried a new hatchet and his flag stakes.

ARKANSAS CITY, KANS., *October 11, 1893.*

Col. E. M. HEYL, *U. S. Army:*

VERY DEAR SIR: I did not visit the booths south of our city during the registration of prospective settlers of the Strip, and have therefore no personal knowledge of alleged bribery of soldiers. I made my statement in letter to Congressman Hudson on the assertion of professed eyewitnesses to said acts. If desired can furnish the names of several such persons.

Very kindly and truly yours,

D. D. DE LONG,
Pastor of Congregational Church.

9.

STATE OF MISSOURI, *County of Gentry, ss:*

F. M. Hayden, of lawful age, being first duly sworn, upon his oath states:

That he is a resident of Gentry County, Mo., and that he was present at the time of the killing of John R. Hill by a soldier, on the 16th day of September, 1893, in the Cherokee Outlet, Indian Territory; that at the report of a pistol the line started from the north, myself and John R. Hill amongst the number, when at a point 3½ miles south of the north line and at a point near the southwest corner of the Chilocco reserve, a soldier, after firing three shots at John R. Hill, sprang from his horse and taking deliberate aim shot him in the back of the head. I was immediately in the rear of the soldier, about 150 or 200 yards, at the time of the killing. After killing John R. Hill the soldier got on his horse and rode back within 4 feet of me, toward the north line again. He said nothing. The soldier was riding a bay horse.

J. C. Stanberry, of King City, Mo., was present and saw the shooting of John R. Hill by the soldier. At the time of the shooting there were probably 150 or 200 persons in sight and ahead of John R. Hill.

I know that a number of soldiers, prior to the opening for several days, were intoxicated. Their names I do not know. I am of the opinion, from the action of the soldier who killed John R. Hill, that he was drunk at the time, but will not say positively that he was. I know that the sooners started the fire near Miller's ranch that burned an old lady to death. I know that another man was shot about 14 miles south of where John R. Hill was killed and near the claim of one Mr. Hart, of Wichita, Kans., but was not present when the shooting was done, but Mr. Hart told me that he was shot by the soldier.

Mr. J. C. Stanberry, of King City, Mo., will swear that the soldier that killed John R. Hill fired four times.

F. M. HAYDEN.

Subscribed and sworn to before me, a notary public within and for the county of Gentry and State of Missouri, this 9th day of October, 1893.

SEAL.]

J. W. SULLINGER,
Notary Public.

My commission as a notary public expires January 10, 1894.

10.

STATE OF KANSAS, *Cowley County*, ss:

W. F. Smith, of lawful age, being first duly sworn upon his oath, deposes and says:

That on the 16th day of September, 1893, he was on horseback on the line of the State of Kansas, and a short distance west of the Chilocco Indian Reservation in the Indian Territory, and that he was there for the purpose of running south with the other parties along said line, for the purpose of getting a claim in the Cherokee Strip, to be declared open for settlement at noon of that day.

Affiant further states that shortly before 12 o'clock the word was given to go, and he, with others, upon their horses, started in the race for a home, and that after running for nearly a mile they heard several shots fired and saw a soldier upon his horse running toward them, and that said soldier ran in front of this affiant and several others, who were near him, upon their horses, and commanded them to stop and go back, with the threat in the following words: "God damn you fellows, go back or I'll kill you."

This affiant states that he then replied to said soldiers to make the others go back and he would go, whereupon said soldier repeated said threat in similar language, and this affiant then stated to him that that was a game two could play at, whereupon said soldier turned to the right and commenced firing his gun at men a short distance to the right of this affiant, and after shooting a couple of times said soldier alighted from his horse, kneeled upon one knee, and deliberately fired his gun at a man and killed him; and this affiant has since learned that the person killed was John R. Hill.

After killing Mr. Hill said soldier turned and began firing at this affiant, one bullet passing close to his face, so near that this affiant could feel the wind from it, and another bullet struck the ground immediately in front of this affiant's horse.

And further affiant stateth not.

W. F. SMITH.

Subscribed in my presence and sworn to before me this 29th day of September, 1893.

W. E. WILCOX,
Notary Public.

My commission expires on the 10th day of June, 1896.

A true copy:

E. M. HEYL,
Colonel, Inspector-General.

11.

STATE OF KANSAS, *Cowley County*, ss:

James W. Moody, of lawful age, being first duly sworn, on oath deposes and states:

That he is a resident of the county of Riley, in the State of Kansas, and that on the 16th day of September, 1893, he was in company with other parties on the State line about one-half mile west of the Chilocco Reservation, in the Indian Territory; that at the time said lands were declared to be open, at noon of said day, he started upon his horse, riding in a southerly direction, when he saw a certain soldier belonging to Troop C of the Third Cavalry, riding upon his horse in the direction of a man riding upon his horse a short distance ahead of him; that he saw said soldier fire his gun three times in the direction of a man riding in advance; that, before firing the third shot, he saw said soldier alight from his horse, kneel upon one knee and take deliberate aim toward said person and fire his gun; immediately after the firing of said shot he saw the man fall from his horse to the ground; that he has since learned that the person shot by said soldier at that time was John R. Hill, and that his home was at Keansburg, N. J.

Affiant further states that from the point where he saw said shooting and from the conduct of said soldier he fired his gun deliberately, intending that the results should be as above set forth.

JAMES W. MOODY, M. D.

Subscribed and sworn to before me this 29th day of September, 1893.

GEO. L. BROWN,
Notary Public.

My commission expires on the 1st day of September, 1896.

A true copy:

E. M. HEYL,
Colonel, Inspector-General.

12.

STATE OF KANSAS, *Cowley County*, ss:

Charles S. Meade, of the age of 13, being first duly sworn, on oath deposes and says:

That he resides in Arkansas City, Cowley County, Kans., and has so resided for more than twelve years last past. That on the 16th day of September, 1893, affiant was stationed near the southwest corner of the Chillico Indian school reservation in the Indian Territory, for the purpose of witnessing the race of the boomers into the Cherokee Strip, at noon of that day; that two or three minutes before 12 o'clock false signals and alarms were fired by guns, and that one John R. Hill, a person intending and prepared to take a claim in said lands, believing said alarms and signals were the proper signals for starting into the lands, started upon his horse to run into said country; a soldier belonging to Troop C, of the Third Cavalry of the United States Army, followed shortly after said Hill and this affiant saw them race with their horses for quite a distance, when said soldier alighted from his horse, raised his gun to his shoulder, took deliberate aim toward the said John R. Hill, and this affiant states that immediately after the firing of said shot by said soldier, John R. Hill fell from his horse to the ground.

Affiant further states that immediately thereafter he drove toward the prostrate form of the said John R. Hill, and was one of the first persons to reach him after the shooting; that one D. D. DeLong was the next person to arrive where said Hill was lying; that at the time he reached the body of Mr. Hill his life was extinct, and an examination of his body showed that a bullet had entered the back of his head at the base of the brain and had penetrated through the entire head, coming out near the inner corner of the right eye.

Affiant further states that the conduct of the said soldier in following Mr. Hill and aiming his gun at him and firing indicated the purpose above set forth.

And further affiant stateth not.

CHARLES S. MEAD.

Subscribed in my presence and sworn to before me this 29th day of September, 1893.

GEO. L. BROWN,
Notary Public.

My commission expires on the first day of September, 1896.

A true copy.

E. M. HEYL,
Colonel, Inspector-General.

13.

STATE OF KANSAS, *Cowley County*, ss:

Charles S. Rathbun, of the age of 13, being first duly sworn, on oath deposes and says:

That he resides in Arkansas City, Cowley County, Kans., and has so resided for more than three years last past.

That on the 16th day of September, 1893, this affiant was stationed near the southwest corner of the Chillico Indian school reservation in the Indian Territory, for the purpose of witnessing the race of the boomers into the Cherokee Strip at noon of that day; that two or three minutes before 12 o'clock false signals and alarms were fired by guns, and that one John R. Hill, a person intending and prepared to take a claim in said lands, believing said alarms and signals were the proper signals for starting into the said lands, started upon his horse to run into said country; that a soldier belonging to Troop C of the Third Cavalry, of the United States Army, followed shortly after said Hill, and this affiant saw them race with their horses for quite a distance, when said soldier alighted from his horse, raised his gun to his shoulder, took deliberate aim toward the said John R. Hill, and this affiant states that immediately after the firing of said shot by said soldier, John R. Hill fell from his horse to the ground.

Affiant further states that immediately thereafter he drove toward the prostrate form of the said John R. Hill and was the first person to reach him after the shooting; that one D. D. De Long was the next person to arrive where said Hill was lying; that at the time he reached the body of Mr. Hill his life was extinct, and an examination of his body showed that a bullet had entered the back of his head, at the

base of the brain, and had penetrated through the entire head, coming out near the inner corner of the right eye.

Affiant further states that the conduct of the said soldier, in following Mr. Hill and aiming his gun at him and firing, indicated the purpose above set forth.

And further affiant stateth not.

CHARLES S. RATHBURN.

Subscribed in my presence and sworn to before me this 29th day of September, 1893.

[SEAL.]

GEO. L. BROWN,
Notary Public.

My commission expires on the 1st day of September, 1896.
A true copy.

E. M. HEYL,
Colonel, Inspector-General.

14.

ARKANSAS CITY, KANS., *October 2, 1893.*

D. H. Hays, a resident of Butler County, Kans., being duly sworn according to law, stated as follows:

I was west about 150 yards from Chilocco Strip, on State line, when the rush was made September 16. I heard a shot fired about noon and the rush was made. I joined in and made the run. I had a fast horse and was soon to the front. A soldier began shooting at those in the lead, and I saw a man fall from his horse, which afterwards I learned was Mr. Hill. The soldier then held me up to a standstill with his gun, near the southwest corner of Chilocco lands; then he turned and went west on a run on his horse. When I got up to the southwest corner of Chilocco Strip all the homesteaders had started and made the rush from south side of Chilocco, and were all gone at the time of the shooting of Hill. I do not know the man who did the shooting, but believe I could recognize him.

One soldier offered if I would pay him \$5 apiece he would take us and give us big start of the crowd. There were five men in our party, which would make \$25 for the soldier. We did not go. We told him we had registered and would abide by the law. This was about two hours before the opening. I do not know the soldier's name.

15.

ARKANSAS CITY, KANS., *September 30, 1893.*

P. C. Duff, resident of Arkansas City, being duly sworn according to law, states as follows:

I made the run from the south side of Chilocco reservation. I was ahead of Hill about 1 mile when he was shot. It was just 12 noon when we started on the rush. I afterwards took charge of Hill's body.

16.

ARKANSAS CITY, KANS., *September 30, 1893.*

James Sutherland, a resident of Arkansas City, Kans., being duly sworn according to law, stated as follows:

I was present at the opening of the Strip September 16, 1893. I was on the Kansas line, about 300 yards from the northwest corner of the Chilocco reservation, when the gun was fired at 12 noon, as far as I know. I saw Hill about 25 yards in front at the start. We ran about three 3 miles. I saw a soldier fire three shots south; he turned around and fired two shots east and killed one horse. This soldier did all the shooting. The third shot fired south by the soldier is the one that must have hit Hill. When the firing began we stopped about two minutes. The soldier who did the shooting was a German, as he did not speak very good English.

I think most of the soldiers were drunk at time of opening, as they behaved so badly. As soon as the soldiers stopped firing we all rushed to the front. There

were thousands of people who made the rush from that corner of the Kansas line. There were about 200 feet of solid people, horses, and wagons. There was about 22 miles of line. The Chilocco line was 4 miles, its entire front.

I heard a soldier tell the sergeant that Lieut. Caldwell said there was no orders for homesteaders to make the run from south side of Chilocco Strip. At the time this message was received there were thousands of people on the south line of Chilocco Strip.

17.

ARKANSAS CITY, KANS., *September 30, 1893.*

A. Abbott, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at opening of Strip on September 16, 1893. I was on the line of south front of the Chilocco school lands and near the west end. I saw the line move forward to my right and heard the soldiers say: "Halt! that's not the signal to go." About five or six men continued to the front. Hill was in the lead, and the soldiers fired upon those in advance. I saw a man fall from his horse, and have since learned it was Mr. Hill. The entire line followed immediately afterwards. By several watches it was 12 noon, and just at that time a pistol shot was fired—which all supposed was the signal "to go."

I have seen soldiers in town under the influence of drink, but where they were quiet.

18.

ARKANSAS CITY, *September 30, 1893.*

Charles H. Wier, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at the day of opening of Strip, at west side of Chilocco and Kansas line. I saw a man riding a sorrel horse. When shooting occurred he fell out of his saddle and the horse went on. This was about 12:06, noon, by my watch, which was about right. Some one said "go." The front of the line had been cleared by the soldiers. They went to the left, near Chilocco Reservation. The whole line started, about 10,000 people. Hill and one or two others were in advance, and Hill was killed about 3 miles from the Kansas line. The soldiers continued to fire on the homesteaders until they were about 3 miles. The last shot was fired at me.

I considered the behavior of the soldiers brutal, before and during the opening. Several were abusive and profane.

19.

ARKANSAS CITY, KANS., *September 30, 1893.*

Thomas Baird, a resident of Arkansas City, Kans., being duly sworn according to the law, stated as follows:

I was present at opening of Strip, and stationed on Kansas line, near west end of Chilocco fence. I noticed a party to my right, about 30 rods, start to make the rush at two minutes before 12 noon. My watch was standard time. I set my watch the day before. We then started to the front; then one soldier came out and stopped us and said go back. Then he started across to head off the party who had started on our right, shooting his revolver at the same time. Another soldier inside the fence said to go on, motioning with his hand. We all went forward.

20.

ARKANSAS CITY, KANS., *September 30, 1893.*

Peter Hollenbeck, a resident of Sumner County, Kans., being duly sworn according to law, stated as follows:

I was present at opening of strip, September 16, 1893. We were all in line waiting for orders to go, when some one said, "There they go." We observed the people on the left, near the schoolhouse pasture, making the rush. I looked at my watch at that

time; it was lacking a half minute of 12 noon. I had the standard time. They had at the time we observed them, started about half a mile to the front of our line; we then rushed forward. All the homesteaders where I was were well behaved.

21.

ARKANSAS CITY, KANS., *September 30, 1893.*

William Briley, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at opening of Strip on the 16th. I made the run about $1\frac{1}{2}$ miles east of the Chilocco school lands. Two shots were fired about 12, noon, which all supposed was the signal to go. A couple of soldiers fired the shots and we all moved forward. We could see the homesteaders who had taken up their position on the south front of the Chilocco school lands; they had about 3 miles the start of us. Some of the soldiers appeared harsh and rough in their manner before the opening of the Strip. I saw soldiers on their horses on duty drunk, and have seen them in town drunk.

At day of opening some soldiers said we could make the run from south front of the Chilocco school lands, and others said that if we wanted a home we had better not run from there.

22.

ARKANSAS CITY, KANS., *October 1, 1893.*

C. M. McIntire, a resident of Arkansas City, Kans., being duly sworn according to law, stated as follows:

I overheard a conversation between a citizen and soldier at a restaurant out on the line on evening of opening of Strip, September 16, 1893, to this effect: The soldier said he had orders to kill the first son of a bitch that crossed the line before the signal was given. Some minutes before the signal was given this old man (Mr. Hill) broke the line and several others followed. The soldier said he called a halt a number of times, and the old son of a bitch paid no attention to it, and he then threw his carbine down, and made him bite the dust. The general description of the soldier as I remember was that he was dark complexioned, black moustache, about 6 feet tall, dark hair, and probably of foreign descent. I had no direct conversation with the soldier, but simply saw him, and listened to his conversation. The party of soldiers were drinking beer, and one of the soldiers was under the influence of liquor at the time.

23.

STATE OF KANSAS, *Cowley County, ss:*

Charles P. Duff, being first duly sworn on his oath, deposes and states:

That he is a resident of Arkansas City, Cowley County, Kans., and has so resided for six years last passed; that he is a member of the firm of Duff & Oldroyd, engaged in the furniture business at said city; that he is acquainted with one Lieut. Caldwell, of Troop C. Third Cavalry, U. S. Army, and that on the evening of the 16th day of September, 1893, between the hours of 5 and 6 o'clock p. m. of said day, he had a conversation with Lieut. Caldwell relative to the killing of one John R. Hill, of Keansburg, N. J., who was on that day shot and killed by one of the soldiers under the command of Lieut. Caldwell, in said troop above mentioned, and that in said conversation with said lieutenant he stated to me in substance the following language: "That the soldier who that day shot and killed the said Hill was acting under orders and did as he had been commanded."

Affiant further states that from the general bearing, conduct, appearance, and statements of the said Lieut. Caldwell that he, this affiant, was forced to reach the conclusion that said officer fully ratified and approved of the killing of said John R. Hill by said soldier.

CHARLES P. DUFF.

Subscribed and sworn to before me this 29th day of September, 1893.

[SEAL.]

GEO. L. BROWN,
Notary Public.

My commission expires on September 1, 1896.

A true copy.

E. M. HEYL,
Colonel, Inspector-General.

24.

ARKANSAS CITY, KANS., *September 30, 1893.*

L. D. Long, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at day of opening of Strip. Some of the soldiers told me we would make the run from the south side of the Chilocco strip, and some told us that we could not and that they were driving others back from that place. There were three of us; we did not go over there.

25.

SWORN STATEMENT OF NONCOMMISSIONED OFFICER TROOP C, THIRD CAVALRY.

First Sergt. J. T. Murphy, Troop C, Third Cavalry, who has been in the service twenty-three years, being duly sworn, stated as follows, in answer to interrogations:

1. Q. State your name, rank, regiment, and station?—A. James T. Murphy, First Sergeant, Troop C, Third Cavalry, Fort Riley, Kans.

2. Q. Were you on duty recently in connection with the opening of the Cherokee Strip; if so, when and where?—A. I was, from about September 1 until it was over on the same month, at or in the vicinity of Arkansas City, Kans.

3. Q. Were you assigned to any special duty in connection with the opening; if so, state what duty, what orders you received, and briefly all that occurred in connection with the same?—A. I was at first; I had a detail of nine men at three registration booths for guard at Chilocco, about a mile from the Indian school. I was there from the 11th until the night of the 15th of September. Lieut. Caldwell, Third Cavalry, gave me orders to preserve peace and quiet and prevent any riots at these booths.

There must have been somewhere near 20,000 people at these booths during that time; there were three lines of people. I had five men on post during the day, and two men during the night. The only instructions I received were from Lieut. Caldwell; everything passed off quietly; I had no trouble with the citizens. I was to prevent persons from slipping ahead of others on the lines (my men were all dismounted); all citizens respected my authority, and good order was maintained throughout. I was relieved by other men on the afternoon of the 15th by my son, Sergt. Murphy, of the troop; there seemed to be still as many men in the line to register as when I first been there; what I meant about 20,000 people was including everybody around there, whether in the lines or not. When I was relieved on the 15th I estimate that about 16,000 people had registered, and about 2,000 or 3,000 in the lines. After being relieved I moved camp of the troop from east to inside of the Chilocco school reservation, near the south side; that night I was detailed and went to the south side of the school reservation with nine men to start the line of people from there on the next day, noon, 16th. No citizens there that night when I went there. Lieut. Caldwell ordered me there; about half-past 6, September 16, the people began congregating there, and by noon there was a large crowd of about several thousand on the south side of the Chilocco school reservation, probably a mile and a half south of the northern boundary.

I rode along in front and explained to the people and had no trouble in keeping and holding them back for the signal at noon. The signal was made by firing at noon, and all started. As far as I know of there was no trouble of any kind either before or after the rush was made on my part of the line.

A good many people afterward spoke as dissatisfied with allowing the people to go from the southern line of the school reservation; that it gave those people an advantage, and they called them "sooners." I understand afterward that it was legal. As a matter of fact that position did give them an advantage over people who were on the northern side of the Cherokee Strip. After the rush I went back to camp with my men, and other detachments were also called in.

There were prairie fires burning all around that country. I know none of my men started any; it was common talk among homestead seekers that "sooners" had gotten in and fired the country (that was very dry and dusty) so as to screen themselves and prevent people from getting on claims. It was common talk among the citizens that they thought that the soldiers had allowed these "sooners" to get in there to keep others off the claims. It was simply common talk; nobody seemed to know anything about it, just imagined that it was so.

I had very particular instructions from Lieut. Caldwell to watch out and see no one got through, and so far as I know none got through; all the people seemed to behave well so far as I know. Neither me nor my men arrested any citizens. When at the booths I arrested two soldiers who belonged to camp; they had gotten drunk at a tent-saloon just across the line about 50 feet away from the booths; they and

the saloon keeper were creating a disturbance by firing shots through the saloon tent, and were fighting among themselves; they had gotten outside the tent and I arrested them and sent them to camp. There were tent-saloons right along the line, and of course men could go there and get whisky. Many persons in line of the booth had bottles of whisky and would offer it freely to the men. With the few exceptions there was no drunkenness with the men in the troop, and there would have been none at all had it not been for the tent-saloons and the bottles of whisky carried by citizens.

I have no knowledge of bribery or attempted bribery of the men. I saw some men who told me they were deputy marshals; they called on me for no assistance whatever; they seemed to be simply looking on; the Interior Department officials gave me no orders nor asked for any assistance, there being no occasion. I heard a citizen complaining to Lieut. Caldwell that one of the mounted soldiers on the outside had been bribed to let a man ahead to the booth. The lieutenant called the mounted soldiers in line and asked this man to pick out the guilty soldier; he said they were all alike and could not recognize him. This is the only case I heard of.

I know nothing of the killing of Hill; when that took place I was 4 or 5 miles away from where I was that day. When all the detachments of the troop were called in that evening there was considerable talk about it, and everyone felt sorry that it occurred. Sergt. William R. Willard, Troop C, Third Cavalry, talked to me that evening. He said it was an accident; that the man was about 400 yards from him; that he had the sight down; that he aimed to fire over his head, and the distance being so great that the bullet must have fell and hit him in the head. He spoke as though it was his shot that hit the man. I heard about the case of Trumpeter Herman Stechert, Troop C, Third Cavalry, shooting a horse north of the line one or more days after the opening. He had been sent for a doctor to attend a man in the troop who had been accidentally shot the day before the opening. Immediately after shooting the horse the trumpeter came into camp; he was drunk at the time; he was sober when he was sent after the doctor; he must have gotten the whisky after leaving camp.

A couple of days after the opening we made a scout with the whole troop down the railroad to the new towns, to see that everything was all quiet, and a couple of days after that went down 25 miles from our main camp to New Ponca; found everything all quiet, and a couple of days after that returned; remained in camp until about September 28, when we returned to Fort Riley, Kans.

JAMES T. MURPHY,
First Sergeant Troop C, Third Cavalry.

Sworn to and subscribed to before me this 1st day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

26.

COUNTY OF GEARY, State of Kansas, ss:

Personally appeared before me Corpl. Louis P. Conway, Troop C, Third Cavalry, who being duly sworn, stated under oath as follows:

I was on duty with my troop at the recent opening of the Cherokee Strip near Arkansas City, Kans. I was out scouting with a detachment of about 24 men, first under Lieut. Caldwell and then under the first sergeant. We went south along the Arkansas River with men deployed hunting for intruders; found some, not many, probably 5 or 6, in the four days we were out. I think there were others found that I didn't see. I understood that the names and description of parties intruding were taken by noncommissioned officers in charge of detachments.

We went as far as the Ponca Agency. Saw prairie fires in the distance all the time; don't know how they started. Our men did not start any of these fires. I was there through all the duty from September 1 to 28. I know nothing nor heard anything of any attempt to bribe or influence soldiers to favor citizens in any way.

After returning from this scout I was in camp a day or so, and then under Sergt. Schevene and 9 or 10 men scouted down the east side of Arkansas River to keep people from coming into Strip from that way. We turned back to Kansas line about 25 or 30 men from there. Had no trouble in doing this duty. I had my orders from the sergeant and he had his orders from Lieut. Caldwell. We were on this duty three days. After that I was on duty in the afternoon of Thursday, the 14th, at one of the booths at Chilocco until about midnight. I was mounted. Had no men under my orders; there were about 6 of us. All had our orders from Lieut. Caldwell to keep the line of citizens registering straight and in order—quiet. A citizen came to me and asked me if I could not put him in ahead of others. I told him "no." I heard other soldiers say that parties tried or asked to get in ahead. I heard citizens say

after the opening that parties had gotten in ahead at the booths out of their turn. Saw no case myself of that kind. It was hard work, there were so many people, but the lines were peaceable and orderly. They had a system of companies or squads with a leader or captain.

Next day, the 15th, we moved camp inside the Indian school reservation. Saw nothing unusual that day. On the 16th Lieut. Caldwell told me to go with him, as he would need me. We went to the booth that morning; people still registering, but only a small number there. I was then ordered by Lieut. Caldwell to report to Sergt. Ihling or Sergt. Willard for the opening. I did so. About 10 o'clock that morning reported to Sergt. Willard, who was west of school reservation on the line between Strip and Kansas trying to keep crowd back that wanted to go to south line of school reservation. Some of crowd seemed angry—loud talking; they said Lieut. Caldwell had said they could run from south side of school reservation. Sergt. Willard said he could not let them go (they wanted to go in on the Strip down west of the fence to the south side). He sent me to find Lieut. Caldwell and see if there was any such authority, and said if he let them in there that way he (Willard) could not hold them at all. I went to find Lieut. Caldwell, but after hunting an hour I did not find him and returned to Sergt. Willard, who was still holding the crowd back with the help of other soldiers who were along the line west. They were several hundred yards apart and in front of the crowd; this was about 11:30 when I came to Sergt. Willard. He ordered me to ride along the line and keep the crowd lined up properly. I asked him how the signal was to be given. He said it would start from the fence and go west by the firing of carbines.

I rode west at a walk for about 600 yards, carrying out my orders. Somebody asked me what was the matter back there. I looked around and saw there was a break about 500 yards back east, near the fence; a small bunch or bunches of mounted men were about 50 yards the leaders—that far in advance of the line. I told the people it was a false start—that no signal had been given—that it was not 12 o'clock (it must have been then about ten minutes of 12). The whole line then broke from the east, all the horsemen successively, toward the west where I was; the whole crowd then surged and moved forward. I saw I could do nothing, so I rode ahead to get out of the way. It was then that I saw towards the east and south two soldiers who were out in advance of the main crowd firing two shots. They were fired up in the air. I think Hallencreutz fired one; I don't know who the other one was. I heard other shots fired, but don't know who fired them, whether soldiers or citizens. The crowd passed on. I followed as far as south end of Chilocco reservation and then went to one of the booths. I don't know how the break was started; I heard no shot fired at that particular time. I know nothing about the killing of Hill. After that I was on duty with troop in camp and on one scout. The night of the 16th, after the opening, the prairie fires were closer and brighter. I heard that a woman was burned up; also that parties had started the fires from the Arkansas River, when men wanted to go in and keep others out. I had no orders to fire on anybody. I heard of no charges about soldiers being bribed to let "sooners" in until I came back to Riley, when I heard it was in the newspapers.

There were two or three men of the troop who were put in confinement while there for being drunk. There was nothing else that I heard of. The people seemed all to be generally good-natured and orderly, considering the big crowd. There was no trouble between the soldiers and citizens that I saw.

LOUIS P. CONWAY,
Corporal, Troop C, Third Cavalry.

Sworn to and subscribed to before me at Fort Riley, Kans., this 2d day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry, Assistant Inspector-General.

27.

Sergt. Edward Murphy, Troop C, Third Cavalry, stated under oath as follows:

I was on duty at the opening of the Cherokee Strip; before the opening a part of the time I was scouting with a detachment of 12 men along the Arkansas River south, to keep "sooners" out. One day, on that duty, afterwards, with 5 men, found one "sooner," Gwyn and family, in a wagon, located in a pocket on Arkansas River; put him out across the north; he made no offer to bribe me or my men. Another time scouting with Lieut. Caldwell from the Ponca Agency to Chilocco Springs, our permanent camp.

I was on duty at the booth all the time, about four days; had 5 men under my orders, part of the time patrolling the line and again in charge of the booths.

My orders were to keep the peace and prevent men buying into the line, getting ahead, etc., and if I saw any attempted bribery of any enlisted man to report it to

Lieut. Caldwell. They attempted to bribe me—two different parties; don't know names of the parties. One man tried it twice; offered me \$2.50 first and \$5 the second time. I ejected him from the grounds; then I saw him afterwards in the act of getting registered and I ejected him again. The leader of that squad or company spoke up and said he belonged in line, and that he was sent out to see if he could bribe the soldiers. I then let him stay. He wanted me to let him in ahead of his turn to get registered.

Question by Capt. Lee. How could such a thing be done when there were so many men in line all watching?

Answer. I don't know how it could be done; it would have to be done in front of all the people and would likely make a row right off, as everybody was watching that no one could get in ahead of his turn. In one instance a deputy marshal of Arkansas City tried; shoved himself in ahead. I was appealed to by the people in line, who said he had no right in there ahead. I ejected him. These were the only cases that came to my knowledge.

Many of the citizens had bottles of beer with them; offered it to soldiers; my orders were to prevent any men from drinking; one soldier was there on pass in the night of the 14th, I think; he was drunk. I arrested him by order of Lieut. Caldwell; sent him to camp in arrest.

No cases of men drunk on duty that I know of; had no other trouble than that stated; crowd was orderly, considering that probably 15,000 in the three different tents registered. The gamblers and other hard cases made some trouble, so I heard, just across the Kansas line.

I stayed at the booths all night of the 15th, and my 5 men patrolled the east line towards the Arkansas River, meeting Corp. W. Whitty's patrol. Next morning, the 16th, I had charge of the whole east line from the booth to the Arkansas River, about $4\frac{1}{2}$ miles; had my men deployed and kept the crowd back until two minutes of 12 o'clock, when I gave the signal from right in front of the booths, firing my gun in the air; the other men took it up east and the crowd rushed in. Lieut. Caldwell gave me a watch for the purpose. I was 200 yards in front of the line, where I could be seen, as were my men also, stationed on little hills.

No disorder nor false alarm at all on my line; everything passed off nicely. I don't know how the people got on the south side Chilocco reservation to run from there. Know nothing, as to how prairie fires were started. I saw lots of fires; it was very dry and dusty. I know nothing, except by hearsay, about anybody being burned up or killed; know nothing of the killing of Hill.

I gave the signal two minutes before 12, under Lieut. Caldwell's order, so that the people on my line would have time to reach the south line of the Chilocco reservation when that line would start at 12 o'clock.

I was relieved from the booth about 5 p. m., that day with my party, and after that did duty with the troop immediately under command of Lieut. Caldwell. The booths were kept open until the run started, but there was no one there to register.

EDWARD MURPHY,
Sergeant, Troop C, Third Cavalry.

Sworn and subscribed before me at Fort Riley, Kans., this 2d day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector General, Department of the Missouri.

28.

Corp. George Morris, Troop C, Third Cavalry, stated under oath the following: I was on duty at opening of the Strip, with my troop, near Arkansas City. Before the opening I was scouting and patrolling, keeping out intruders, cattle, etc.

From the 10th until the night of the 15th I was on duty at one of the booths, helping handle the crowd and keeping order. Had no trouble in carrying out my orders. I received my orders from Lieut. Caldwell to keep the men not in line back from the line and away from the gates entering the booths. Sometimes I had 1, 2, and 3 men under my orders to help. We were mounted. Some citizens had whisky bottles and would offer the soldiers drink. Lieut. Caldwell's orders were for us not to accept anything nor to drink. The order was obeyed by me and my men. There was 1 man, Private Goodrich, who got drunk there. I was ordered by Lieut. Caldwell to arrest him and to take him to camp, which I did. I know of no other case.

Offers were made by some citizens of \$1 and \$2 to me and my men to get them in ahead to the booth. To my knowledge no such offer was accepted, and under the circumstances of the citizens in line being under captains and leaders and on the watch out, it would have been impossible for men to get in ahead without detection.

I did not have to use any severe measures, nor was there any trouble. I was relieved on the night of the 15th of September about 5 or 6 o'clock, and went to main camp. Some time during the night I was ordered to saddle up and go to the south side of Chilocco school reservation, along with First Sergt. Murphy and about 11 men.

About daybreak next morning, the 16th, I was ordered to take 2 men and go to southwest side school reservation. I stayed there with my men until about 10:30; then Private Costello brought me orders from Lieut. Caldwell to go to west line north of there and report to Sergt. Ihling. I went there alone and reported to Sergt. Ihling, and helped to keep back the crowd. I stayed there until the false break was made, which was about ten minutes to 12. The break occurred right near me—in a few yards. Some horsemen in front of wagons gave a kind of cheer, and a bunch of, may be 25 or 30, horsemen started. Sergt. Willard was not there at the time. I heard no pistol fired before the break. Immediately after the whole line broke Sergt. Ihling said: "No use to try to stop them." I neither saw nor heard any shooting. There may have been some shooting, but in the noise and confusion I did not hear it. I know nothing about the killing of Hill. I went then with Sergt. Ihling to camp, and continued on duty with troop, scouting, etc., until we came back here.

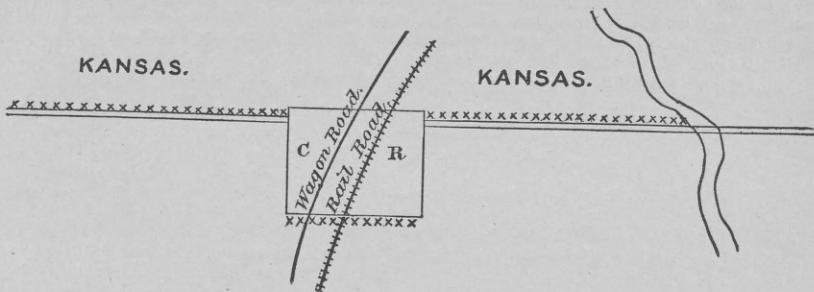
One day, before the opening, I saw a passenger train coming north, and soon after a big fire started up near the track; a strong wind blowing fire spread over the country; it was not put out; we could see smoke of fires burning all the time in the distance; don't know how they started; very dry and dusty.

In scouting, before the opening, we met a few people in wagons; only saw one on horseback, crossing the reservation going south; we turned them back and put them off; no trouble; there was no offer of bribery by these people. For such a large crowd it was very orderly. I heard rumors that away off some people had been burned up and some had been hanged.

In regard to the people who were on the south side of Chilocco school reservation, 3 or 4 miles long, there was a big crowd came there until early morning of the 16th; must have been several thousands; that gave them a big advantage over those back on the Kansas line, on the east and west. It seems to me if the others had known of that we could not have held the crowd back.

The people on the south side of the Chilocco school reservation must have come from there to make the run, from the road going south along the railroad; the road and railroad run through the Chilocco reservation. Lieut. Caldwell was there and I supposed they were by authority.

This diagram shows what I mean.



I had no watch. The signal was to be taken from the east side and carried along west by our firing our guns in the air.

GEORGE MORRIS,
Corporal, Troop C, Third Cavalry.

Submitted and sworn to before me at Fort Riley, Kans., this 2d day of October, 1893.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General, Department of the Missouri.

PERRY, OKLA., *October 5, 1893.*

Ambrose D. Sutton, of St. Joseph, Mo., who has claim in County K, Cherokee Strip, stated under oath as follows:

I was present at opening of Strip on September 16, 1893. Made the run from the State line about 100 yards west of the northwest corner of Chillico school reservation. I had been there in line twenty-four hours previous to the opening, and about 9 o'clock in the forenoon soldiers began to arrange the people in line, and kept them back continuously along the line, riding back and forth; and about a minute or so before 12 o'clock a "boomer" near the corner fired a shot like a pistol shot and yelled out in a loud tone, "Go!" Then 100 or 150 men to the right and left broke ranks—all horseback and a few buggies—and all dashed to the front. The shot was about 75 yards to my left, right near the corner. At this time the soldiers, five or six, were galloping along in front about 50 feet probably, getting ready for the signal of the soldiers—firing a gun in the air. Two or three minutes before the pistol shot was fired my partner looked at his watch and said it was four minutes yet till 12 o'clock. The break was made in two or three minutes after this—a minute or so before 12 o'clock.

The parties broke to the right and left of me. The main line did not break, but waited until 12 o'clock. The first parties who broke were then probably three-fourths of a mile in front when main crowd began to move and all moved out. As soon as break occurred the soldiers yelled out "Halt!" repeatedly; tried every way to stop them. The soldiers were in front of them and hollered and signaled not to go. The parties must have heard them—they pushed ahead—did not halt; the soldiers fired to stop them, that is, not at them as it seemed, but across their front promiscuously. Right after that I saw the soldiers gallop off after a bunch of men, and got to shooting at one or more. They got off of their horses and got down, and seemed to take aim and fired two shots apiece. They were on the hill and away in front—could not say how far. The men that they fired at went on.

The soldiers appeared sober. I noticed nothing out of the way all the twenty-four hours I was waiting to make the run. I made the run on a fast horse that had been under training. I made the distance of about 22 miles south in one hour and thirty minutes. I was at the registration booths about thirty-six hours, in line there from Wednesday, 9 a.m. to about 3 or 4 in the afternoon on Thursday. The conduct of the troops there, so far as I know, was all right. There was one soldier I noticed who was especially efficient and careful. I heard that some men had bought in ahead of others—know nothing personally. One soldier had a man that I saw, who it was said he had arrested for selling his number in the line. Plenty of liquor there—whisky, and beer. My partner offered the soldier I noticed as so efficient a drink of whisky, which the soldier refused and said he would take a drink of beer.

Right along the Kansas line, just opposite the booths, there were plenty of tent saloons where a man could get all the beer and whisky he wanted.

STATE OF KANSAS, *Cowley County, ss:*

J. C. Sefton, of lawful age, being first duly sworn on his oath, deposes and says:

That he is a resident of Arkansas City, Cowley County, Kans., and has so resided for over two years last passed; that he is a minister of the gospel and holds a regular charge at Arkansas City at this time; that during all of the times that the soldiers of Troop C, Third Cavalry of the U. S. Army, were camped near here and on duty in connection with the opening of the Cherokee Strip, this affiant was in and about Arkansas City and acquainted with the doings of said soldiers; that on the evening of Friday, September 8, 1893, this affiant was going down Third street, in said city, in his buggy, when one of the soldiers belonging to said company hurriedly rode up upon his horse and in front of the horse that this affiant was at this time driving, and commanded this affiant to halt, and thereupon proceeded to place this affiant under arrest, saying, "I arrest you," and thereupon this affiant asked said soldier why he was placed under arrest, and was promptly informed by said soldier that it was none of his business; this affiant then inquired where he was to be taken, and said soldier replied, "Down to the camp;" this affiant then stated, "I guess not," and said soldier replied, "I guess I will," and proceeded to place his hand upon his revolver, as if in the act of carrying out his threat; this affiant then stated, "If that is the way you act, I guess I will have to go." And they turned their horses south to Fifth avenue, thence up that street to the Fifth Avenue Hotel, where this

affiant requested to stop and see some parties before going to the camp, and left his horse and buggy in charge of said soldier, said soldier alighting from his horse and taking charge of this affiant's horse and buggy, and this affiant then went into said hotel and telephoned for police, and also sent a messenger, one C. P. Duff, for a policeman to come and protect him as a citizen of the United States, and properly preserve his rights; that soon thereafter Policeman Rarick, and also McIntire, came to this affiant's rescue and arrested said soldier, and relieved this affiant from imprisonment and gave him his liberty; that said police officers took said soldier to the jail of this city and there locked him up until he could be heard before the proper court; that the records of said court show the arraignment of the soldier as a criminal for being drunk and disorderly, and also show a fine assessed against said soldier for said offense; and affiant further states that the sergeant of said company paid the fine so assessed.

This affiant further states that the revolver carried by said soldier was loaded and every chamber thereof full; that said soldier also carried a carbine, and also a belt filled with cartridges.

J. C. SEFTON.

Subscribed and sworn to before me this 29th day of September, 1893.

GEORGE L. BROWN,
Notary Public.

My commission expires on the 1st day of September, 1896.

A true copy.

E. M. HEYL,
Colonel, Inspector-General.

STATE OF KANSAS, *Cowley County*, ss:

G. H. McIntire, of lawful age, being first duly sworn, on his oath deposes and says: That he was a resident of Arkansas City, Cowley County, Kansas, and has so resided for most of the time for twenty years; that at this time he is a member of the police force of Arkansas City, duly qualified and authorized; that he has served in such capacity for said city for several months last passed; that he was in the employ of said city, as such officer, during all of the times that Troop C, of the Third Cavalry of the U. S. Army, was camped near said city, for the purpose of superintending and performing said duties in connection with the opening of the Cherokee Strip, immediately south of this place; that during the time that said soldiers were camped near this place they were frequently seen upon the streets of this city in squads of two or three at a time and frequently one alone.

This affiant further states that in the performance of his duties as such officer he carefully watched said soldiers, and repeatedly noticed that they carried a full equipment of arms while in said city; that on the 14th day of September 1893, one of said soldiers, whose name at this time this affiant is unable to state, was conducting himself in a very unbecoming manner and interfering with the rights of the citizens of Arkansas City, and that for the purpose of preserving the peace he attempted to place said soldier under arrest, whereupon said soldier drew his gun and leveled the same at this officer, in the attitude and with the intent of shooting at this affiant, with the spoken threat at the time that "no damned officer could place him under arrest;" that this affiant immediately placed said soldier under arrest and conducted him in jail of this city and there locked him up as required by law under such circumstances; that as soon thereafter as possible notice of such arrest was given to the officer in charge of the troops to which this soldier was a member, and a request was made of said officer that they take him away from the city, and that the officer in charge of said company thereupon requested this affiant to hold said soldier in custody until he could conveniently take him away and properly punish him for said offense; that during the night of September 14, 1893, said soldier broke jail and escaped.

Affiant further states that during the day of September 15, 1893, he visited the State line, where the registering booths were located and there saw said soldier who had, the day before been placed under arrest and in jail, on duty along the line of boomers who were on their way down to register at said booth and that said officer defiantly made sport of the officers of the city of his arrest and incarceration, with the further statement that he was on his own territory and they could not do anything with him.

Affiant further states that during the week commencing September 10, 1893, and ending September 16, 1893, while he was on duty in said city, as such police officer, he frequently saw soldiers here in Arkansas City in an intoxicated condition and

conducting themselves very unbecoming and uncivil, and that, with scarcely any exception, they carried a full equipment of arms, in violation of the laws of the State of Kansas and of the ordinances of the city of Arkansas City.

G. H. McINTIRE.

Subscribed in my presence and sworn to before me this 29th day of September, 1893.

[SEAL]

GEORGE L. BROWN,
Notary Public.

My commission expires on the 1st day of September, 1896.

A true copy.

E. M. HEYL,
Colonel, Inspector-General.

32.

ARKANSAS CITY, KANS., *September 30, 1893.*

Levi Leaf, a resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

Wednesday, September 13, before the opening of the Strip, I was at the booth to register, about 12 o'clock midnight. There was a soldier, a woman, and a cowboy, all very drunk, there. The soldier began shooting his revolver, and he took the cowboy's revolver and emptied also. So I had to lay flat on the ground to prevent being killed. A horse was shot at the time, and some one called out, "Soldier, you have shot a horse." He replied, "Let the son of a bitch go; Uncle Sam can pay for it." Next morning I saw the horse there: he was shot through the body.

33.

ARKANSAS CITY, KANS., *September 30, 1893.*

Rev. J. C. Sefton, resident of Arkansas City, Kans., being duly sworn, according to law, states as follows:

I was in the Army for over seven years, and in all my experience I never saw a more undisciplined command. Their conduct towards the citizens in this place, and homesteaders generally, was insulting. They were drunk and disorderly; and I never saw but two soldiers in the town that were not armed. This place is about 4 miles from the Kansas line; the camp of cavalry was about the same distance from town. The soldiers' language was vile and vulgar, and their appearance generally was a disgrace to the United States Army.

They are the first troops that ever came here that we have had any trouble with; usually the people are fond of troops, as many of them are old soldiers.

34.

ARKANSAS CITY, KANS., *September 30, 1893.*

George W. Cunningham, a resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

All that I saw was the action of a soldier in front of Mr. Behrand's store in Arkansas City. While riding by on a bicycle I saw a soldier just in the act of falling, he having attempted to stop a team, and the driver whipping up his horses, the soldier was thrown off his balance. The laughter of bystanders provoked him, when he immediately went to his horse, standing near by, and took out his carbine and put a cartridge in it from his belt, and stepped out in the street with the gun in his hand and looked around as though trying to pick out the person who had provoked him. My opinion from his actions was that he intended to shoot. I immediately ran into a drug store and telephoned for a policeman. Upon coming out of the drug-store I saw a policeman talking with the soldier and stepped up to them, behind the policeman, and heard the soldier say that he would not be arrested; that he had his gun and would protect himself. The soldier refused to put up his gun and refused to be arrested and talked in a disorderly tone of voice. The soldier appeared to be under the influence of drink. He was then arrested and taken to the city jail.

There have been very many soldiers here at different times, but I have never seen such a drunken and demoralized set of men before. I never saw many, but what few I saw would reflect discredit upon the Army.

35.

At ARKANSAS CITY, KANS., *October 2, 1893.*

A. S. Brecount, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I noticed during the registration, before the opening of the Strip, a great many drunken soldiers, both in town and on the line while on duty. Their manner towards the homesteaders was rough and abusive.

36.

ARKANSAS CITY, KANS., *October 2, 1893.*

D. L. Wier, resident of Arkansas City, Kans. being duly sworn according to law, states as follows:

The soldiers while stationed here were very disorderly in their conduct. They were rough in their manner towards the homesteaders. I also saw several soldiers in town drunk. I consider their conduct a reflection upon the U. S. Army.

37.

ARKANSAS CITY, KANS., *October 4, 1893.*

Robert Neil, a resident and assistant marshal of Arkansas City, Kans., being duly sworn according to law, states as follows:

About a week before the opening of the Strip 4 soldiers came into town, mounted, and rode about in a disorderly manner, cursing and reeling around in a drunken state, and pulling their guns. This was all to the fear and peril of the citizens of the town, who were very much excited. I ordered the soldiers to leave the town; they said they were not ready to leave just then. I then said they had better go or they would get into the soup. They finally left, grudgingly. They were all well armed with pistols and carbines.

38.

ARKANSAS CITY, KANS., *October 1, 1893.*

J. R. McKeever, a resident of Rock Creek, Kans., being duly sworn according to law, stated as follows:

I was present at booth near Arkansas City, and was waiting in line for my certificate on September 14, at about 9.30 a. m. The crowd got a little too close to the booth, and a soldier rode up and down the line telling them to stand back. Some seemed slow to obey, and the soldier became impatient and crowded upon them with his horse; at this time it looked to me as though a citizen grabbed the horse's bridle; the soldier then drew out his revolver and struck the man on the head three or four times with the butt of it. I then saw a bad gash above his forehead, and the blood streaming down his face. I do not know the soldier's name, but could recognize him.

The soldier had light mustache and light brown hair, and was about 5 feet 9 inches high. I consider this soldier's treatment of the citizen most brutal.

39.

FORT RILEY, KANS., *October 2, 1893.*

Trumpeter Herman Stechert, Troop C, Third Cavalry, being duly sworn according to law, stated as follows:

I was on duty at the opening of the Strip. Day after opening was sent to Arkansas City for a doctor for a wounded man of the troop; found the doctor, told him; got a couple of drinks, and started back to camp; met a boy about 16 or 18 years old riding one horse and leading another. One mounted man was following him about 10 yards. He said the boy had stolen his horse and asked me to help him get his horse.

The boy was trotting. I told him to stop. He abused me with vile names, called me a blue-coated son of a bitch, and said no soldier could get his horse away. I then fired my pistol to scare him and stop him, but not to hit him. I fired several shots (three). I hit the lead horse, and the boy dropped the reins and ran away. I looked around to see the man who asked me to help him, but could not see him anywhere.

40.

STATE OF KANSAS, *County of Butler*, ss :

William I. Hoy, being first duly sworn, on oath says, that on Sunday, the 17th of September, 1893, about 3 o'clock in the afternoon, he was coming north from the Cherokee Strip to Arkansas City, and when near the line, at a stone house, just north of the Chilocco Reservation, he saw a man on horseback leading a horse that he at once recognized to be E. N. Smith's, of El Dorado.

The young man was then traveling north. There were 4 of us in a spring wagon, and we were hurrying up our team to catch up with him, and just as we drove up the young man met a soldier in the road and told the soldier, "that horse is a little horse I found loose in the Strip. What shall I do with him?" The soldier said, "That horse belongs to Lieut. Caldwell down to the camp, and I will take him down to him." One of the men with me, Mr. Palmer, told him that that was E. N. Smith's horse, of El Dorado, and got out of the spring wagon and went and patted the horse on the head, and the soldier said, "It does not; it belongs to Lieut. Caldwell, and he has the papers for it." I told him that it was not possible that Mr. Smith had sold his horse, and this soldier had nothing to do with the horse, and told the young man to take him to Arkansas City and leave him at the livery stable, and leave Mr. Smith prove his property and he would pay him well for his trouble. At that the soldier pulled his revolver and fired twice, shooting in the air.

The young man leading the horse let loose the strap and went among the crowd of people in the road, and the horse started on towards Arkansas City and got about 50 yards. When the soldier discovered that the horse was gone he put spurs to his horse, with revolver in his hand pointing towards the horse, and rode rapidly after. When some 20 or 25 feet from him he fired. I could see that the ball struck the horse some place. He then rode up to the left side of the horse and fired two shots. The ball entered about 12 inches from the backbone, near the third and fourth ribs. After shooting the horse he turned around and rode back to where we were in the spring wagon, and leveling his revolver at our heads told us we were under arrest, and to turn around in the road and go back to camp. We turned the wagon and went back with him to the reservation, and after driving us for 2 or 3 miles around over the reservation he told us then we could go. We then started for Arkansas City. On going back to where the horse was shot we found that he was not there, and we came on towards Arkansas City, as we supposed at the time, about a mile, where we found the horse dead in the road.

The horse was in fine condition when shot, and was killed by the effects of the shots fired by this soldier. One of our party cut one of the bullets out of the horse after he was dead.

On Monday we went over the ground again in company with Mr. Smith, and on examining the distance the horse had traveled we found he had traveled more than a mile and a quarter after shot before he died.

WILLIAM I. HOY.

Subscribed and sworn to before me this 30th day of September, 1893.

A. SWIGGETT,
Clerk District Court.

41.

STATE OF KANSAS, *Butler County*, ss.

E. N. Smith, being first duly sworn, on oath says:

That on the 16th day of September, 1893, he drove a little bay horse into the Cherokee Strip; that he was a horse of great spirit, courage, endurance, and speed, and that he drove him only about 12 miles in the race, and in no manner hurt the horse by the driving, but that he was in perfect condition on Sunday, the 17th; that at 12 o'clock southwest of Kirk, now Santa Fe, Okla., the horse broke loose from a little strapping where he was tied and started for Arkansas City; that affiant, as soon as he could arrange to follow him, did so; that a little more than a mile and a half north of the Cherokee Strip, on the road to Arkansas City, he found the horse lying dead in

the road. The horse was not sweating and had not been, but was apparently in perfect condition when killed, but that he was at that time dead, and could have been dead, as affiant then believed, two or three hours. This was at 5 o'clock p. m., on the 17th day of September. I took it for granted that he had run to the creek at the Chilocco Reservation, and having taken a drink of water had died from the effects of it, and so believed until I arrived at Arkansas City, where I met three of my neighbors, William I. Hoy, Spencer Allen, and William James, who told me they were eye witnesses to the shooting of the horse and detailed the circumstances to me as related in the affidavit of William I. Hoy, hereto attached.

On the morning of the 18th I went to the camp on the Chilocco reservation and informed the lieutenant in command of my business, and he then and there sent for a soldier, and after speaking to him in an undertone, some 10 or 12 feet from me, turned to me and said, "Mr. Smith, here is the man who shot your horse." I then asked him how he could be so cruel as to have killed that little horse, and he said those men, meaning the men in the spring wagon, claimed the horse. I told him that they did not claim the horse, but had only told them that the horse belonged to Mr. Smith, of Eldorado. The lieutenant then and there put the soldier under arrest and I went back to Arkansas City.

Affiant further says that his horse was worth \$500, and he is able to establish the value by competent witnesses whenever the value of the horse is in controversy.

E. N. SMITH.

Subscribed and sworn to before me this 30th day of September, 1893.

A. SWIGGETT,
Clerk District Court.

42.

ARKANSAS CITY, *October 1, 1893.*

David R. Thompson, a resident of Topeka, Kans., being duly sworn according to law, stated as follows:

I made the run with my brother, September 16th, and located my claim. We were returning to Arkansas City the next day, the 17th, and caught a loose horse, and when we got to the State line we asked a soldier what we should do with the horse. He said I will take care of that horse. I noticed then that the soldier was under the influence of liquor. He had a bottle in his pocket and the cork was out; the contents, which was whisky, had leaked out and wet his shirt and trousers. At that time three men drove up in a spring wagon; one of them said, "there is Billy now; we know who owns him; a man in Eldorado owns that horse." The soldier objected to the horse being taken to Arkansas City, and said he would keep the horse himself. The soldier fired three shots in the air which frightened the horse, and he got away and ran down the lane towards the city. This was on this side of the State line and in Kansas. The soldier followed after the horse and tried to catch him, and failing to do so, shot the horse three times. I saw the horse the next morning in the road dead. I do not know the name of the soldier, but I think he is a German. He had sandy hair and moustache. This was on the west road leading to Chilocco school.

43.

ARKANSAS CITY, KANS., *September 30, 1893.*

Harry Long, resident of Eldorado, Kans., being duly sworn according to law, states as follows:

The night of the run, September 16, about half past 8 or 9, a drunken soldier came to where we were camped at Government Spring, about $1\frac{1}{2}$ miles south of the line, and says, "What's become of all that hay?" I said, "I do not know." He said, "There was 50 bales of hay left, and 4 sacks of feed, and you sons of bitches have found it. I have just killed a big bloke up here on the hill, and I have a notion to kill you sons of bitches." He demanded money, as he said, for the hay; and we gave him about 90 cents for 4 bales of hay that we found there. This hay had been left by the soldiers. The soldier then pulled his gun and said he had a notion to blow our brains out. He then run off. He was very drunk.

I saw lots of soldiers drunk at the booths and while mounted on duty before and during the opening of the strip. I also saw a great many drunken soldiers in town. Their conduct was very bad.

A horse belonging to a friend of mine was shot by a drunken soldier about 2 miles from town. I saw the soldier who shot the horse later. He was very drunk at the time.

44.

ARKANSAS CITY, KANS., *September 30, 1893.*

O. E. Kirtley, resident of Chandler, Okla., being duly sworn according to law, states as follows:

I was at Cary or Government Spring on the night of the 16th of September, 1893. After the opening of the strip a drunken soldier came to our camp and wanted to know what had become of a lot of hay and feed that was left there. He abused us very much; called us sons of bitches and was very profane. He said he had killed one bloke and he would give it to some of us. He then pulled his carbine and pointed it at me and said he would give me the contents of the gun, and dashed his horse at me. He cocked his gun and placed it within 3 or 4 feet of my head, and said he would blow my brains out. I asked him to take his gun away as it might go off, and he replied "I will spatter your brains all over this hill." He then said we would have to pay for the hay, and we collected what change we had, about 90 cents, and gave it to him for the 4 bales of hay that were there. This hay had been left by the soldiers.

The soldier said that if any of us had a contest on our claim and would give him \$10 he would settle it for us. He then rode off to another party of homesteaders. I do not know the soldier's name; but he was Irish. The soldier said he was an Irish son of a bitch and had killed one big bloke, and would give it to some one before morning.

45.

FORT RILEY, KANS., *October 2nd 1893.*

Capt. Oscar Elting, Third Cavalry, states as follows:

On August 30, 1893, pursuant to Order 146, Fort Riley, Kans., I left Fort Riley with my troop for duty on the Cherokee Outlet; arrived at Caldwell, Kans., on August 31, and went into camp near Bluff Creek, Ind. T., on September 2, 1893. From this point I sent out, at various times previous to September 16, scouting parties to scout the district assigned to me; to remove therefrom all unauthorized persons and cattle. My district was as well patrolled as possible, and every effort made to keep out intruders.

On Sunday evening, September 10, pursuant to telegraphic instructions from Lieut. Col. Parker, Thirteenth Infantry, and at the request of Mr. Ketchum, in charge of the registration booth near Caldwell, I sent a guard of one noncommissioned officer and three privates to guard the booth. This guard was continued until the opening and increased before the close of the registration. On September 9 I sent a noncommissioned officer and four privates to Hunnewell, Kans., to guard the booth at that point; this guard was increased and maintained until the time of the opening.

On September 16, the day of the opening, I had my troop posted along the northern boundary of my district to hold the crowd back until 12 o'clock and to give the signal simultaneously along the whole line. I took charge of the western portion of my territory; Lieut. Rivers, Third Cavalry, of the eastern portion. At the time of the opening I had also two noncommissioned officers and three privates at the point where the Rock Island Railway enters the Territory, to carry out the orders of the Secretary of the Interior; this pursuant to telegraphic instructions from Lieut. Col. Parker.

The signal along the line at the time of the opening was given by carbine and pistol shots fired simultaneously as nearly as possible—this under telegraphic instructions from Lieut. Col. Parker.

The northern boundary of my territory was about 19 miles long, and at the two booths in my district, at Caldwell and Hunnewell, more than 26,000 people were registered; so, of course, with the 46 men in my troop, deducting 3 men sick in camp and the detachment of 5 at the railroad crossing, the men on the morning of the opening had to be very much scattered even to make a showing of any kind along the line.

At the time of the opening everything passed off in a satisfactory manner all along my line so far as I could learn, except that Lieut. Rivers reported to me that at Hunnewell the crowd stampeded one minute before 12 o'clock and began to enter the Strip, and he, recognizing the utter hopelessness of attempting to stop such a large crowd with the force at his command, fired the signal shot at about three-fourths of a minute before 12 o'clock.

No soldier under my command fired any shot at any man or any horse, or in any way injured any man or horse.

No complaints or reports of any one of my command receiving bribes were made to me at any time; and I am sure that in no way was my command in any way cruel to any one.

No one of my troop was drunk on duty; and cases of drunkenness were remarkably few among the citizens, considering the crowd, the excitement and the fact that beer was openly sold in the State of Kansas and near the registration booths, and right contiguous to the Cherokee Strip.

I know that none of my command in any way started any prairie fire.

My troop was stationed at a spring on the Cherokee Strip, about 3 miles southeast of Caldwell, Kans., and about a half mile south of the northern boundary of the Strip. My district was the western half of that portion of the Strip bounded on the east by the Arkansas River, on the west by the Rock Island Railroad, on the south by a line running east and west through the southern boundary of the Ponca Reservation, on the north by the northern boundary of the Strip.

I can not state that at the time of the opening my district was absolutely clear of "sooners," but I believe that it was as clear of those people as was possible, taking into account the extent of territory or the large crowds registered at the two booths on my northern line.

Homesteaders were fairly well behaved before and at the time of the opening. A display of the force at my command was necessary to restrain them, but no actual employment of force was made.

My instructions to noncommissioned officers were, to expel all unauthorized intruders and all cattle, bringing them first to my main camp at Caldwell, unless they happened to be near the line of the Strip somewhere, and to take a description of all intruders.

In the territory under my command there was a total absence of any conflict between soldiers and citizens except in one case, in which the noncommissioned officer in charge of the guard at the booth at Caldwell arrested a drunken man on the 100-foot strip, who was indiscriminately firing his pistol in some of the camps of the people along the border. This man was held, to prevent the possibility of his killing some one, until his friends promised to take care of him, and until he had partially sobered up.

46.

FORT RILEY, KANS., *October 2, 1893.*

First Lieut. Tyree R. Rivers, Third Cavalry, states as follows:

On August 30, 1893, I left this post with my troop, E, Third Cavalry, Capt. O. Elting commanding, for duty on the Cherokee Outlet, and on September 2, 1893, went into camp with the troop about $3\frac{1}{2}$ miles southeast of Caldwell, Kans., and about one-half mile south of the northern boundary of the Cherokee Outlet.

Under Capt. Elting's directions I made one scouting trip with 2 noncommissioned officers and 13 privates south from Caldwell, Kans., along the Rock Island Railroad to Wild Horse, and from thence sent out a subscout east along Red Rock Creek to the northeastern limit of the territory of my troop; thence north of east, taking in the country between Red Rock Creek and the Salt Fork of the Arkansas River. This scout was for the purpose of expelling intruders. I returned to our main camp on September 10, having found no intruders.

From September 10 to September 15 I was on duty at the main camp of my troop the greater part of each day, being present at the registration booth near Caldwell, about one-half mile north of our camp. On Friday evening Capt. Elting sent me to Hunnewell, Kans., to take charge of matters there on the day of the opening and to superintend the giving of the signal and keeping back the crowd along the eastern half of the northern line, for which my troop was responsible.

I had at Hunnewell 2 noncommissioned officers and 20 privates. On the morning of September 16 I sent a scout of 1 noncommissioned officer and 2 privates along the Chikaskie River, south of Hunnewell, to see if any "sooners" could be discovered. This party found no "sooners."

I kept, on this morning, one man on guard at the registration booth and one on guard at my camp; the remainder of my detachment were scattered along the line to give the signal at 12 o'clock and to keep the crowd back. The signal was given as nearly as possible by firing simultaneous shots along the line at 12 o'clock.

So far as I could learn everything passed off well along the line, the crowd remaining in line until the signal was given, except at Hunnewell, where I was personally. At this point I was to give the signal myself, but at about one minute before 12 o'clock a mounted man about 300 yards to the east of me, started on the gallop into the Strip and stampeded the crowd on his right and left. I galloped towards him, intending to try to stop this stampede, and then recognizing the utter hopelessness

of stopping such a crowd, I at about three-fourths of a minute before 12, fired the signal, thinking it would be better to give all an even show.

No shots were fired by any of the soldiers with whom I had anything to do at any one, and no man and no horse was killed or shot by them; neither were any complaints of cruelty or bribery ever made to me. There were several cases of drunkenness among the men of the troop at Caldwell, but not on duty. This was no more than could be expected considering the ease with which intoxicants could be obtained.

No prairie fires were started by the men of my troop.

I believe that, at the time of opening, the district of the troop to which I belonged was as nearly clear of "sooners" as possible.

From my observation, homesteaders were fairly well behaved before and at time of the opening, but a display of force was needed to keep them back.

47.

CALDWELL, KANS., *October 10, 1893.*

J. H. Ball, postmaster at Caldwell, Kans., states as follows:

So far as I know, the soldiers here on Bluff Creek acted like gentlemen, and know of no complaint whatever. I met them a number of times. They were always gentlemanly and pleasant, and know of no one being bribed.

48.

FORT RENO, OKLA., *October 7, 1893.*

Capt. John B. Johnson, Third Cavalry, being duly sworn according to law, states as follows:

My camp was at Black Jack Springs, about 3 miles north of Orlando.

The district assigned me was that portion of the Cherokee Outlet east of the Rock Island Railroad and south of the continuation of the line dividing the Otoe and Ponca reservations.

My district, as far as I know, was clear of "sooners" at time of opening. I had made several arrests previous to that time.

In connection with the opening of Perry town site I learned of a man being there dressed in the uniform of a United States soldier, his object being, I believe, to get desirable lots or to use his position as a United States soldier for the purpose of obtaining information. I arrested this man, but he made his escape before the opening. I have his citizen clothing and 61 cents found in his possession.

Large bodies of land had been fired, and some caught fire from an engine on the railroad. Claimants stated to me that after locating their claims they intentionally burned the grass to examine the soil or land. One man told me that after he had located and thought he had the most desirable land in the world he fired it, and finally concluded that it would not grow white beans, and abandoned it. This was after he had fired and examined the ground or soil.

The great majority of the people were well behaved and orderly, but stringent measures were rendered necessary on the part of the troops to prevent delay in the transaction of booth registration. At Stillwater booth, where probably the roughest element had congregated, at the instigation of Corp'l Tolin, the registration clerks gave up half of their dinner hour, and worked after 6 p. m. as long as they could see, in order to register the sick and women who were taken from the line where found. This action on the part of the corporal was heartily cheered by the mob.

I was sent out in June with instructions to clear the Strip of intruders and cattle. I remained on this duty until Col. Parker assumed command of troops in connection with the opening.

I was to keep the Strip clear of "sooners," protect Government property, keep order, etc., until the opening.

No force was required in my district to hold people back before the proper time to start, but two men broke from the line before 12 noon. Sergt. Tyldsley started after them and brought them back to the line, and took their certificates from them. The line on the extreme left of me broke about three minutes before 12 noon. I am told that some one fired a shot, which was the prescribed signal for the opening; and recognizing the impossibility of checking these people, and in order to make it air for all, I then gave the signal to go by the firing of a pistol.

Spirituos and malt liquors were publicly sold on the Oklahoma line opposite the booths, which I was required to guard.

One man approached me with the remark that his time was worth money, and that he did not want to wait. I informed him that he could take his chances in the line and that no exceptions would be made. He said: "You can if you want to; there is money in it for you." He escaped before I could secure him, there being quite a crowd there at the time. I warned my men against the taking of bribes previously. They had not been paid, and there was no evidence of any money in the troop after the opening, which would have been the case had money been given as bribes.

A person attired in the uniform of an infantry colonel, and passing under various names, was securing exceptional privileges as to registration for homesteaders for his own personal gain. He represented himself to me, when asked what he was doing with that uniform on, as being a colonel of Arkansas militia. I expelled him from the booth lines.

Too much can not be said in commendation of the conduct of Corpals. Jacob Tolin and August Arnold, Troop B, Third Cavalry, who commanded the guards at Stillwater and Orlando booths. They succeeded in managing immense crowds of the roughest classes without riot or bloodshed, and maintained order throughout. They are very highly spoken of by Interior Department officials, as well as by citizens.

49.

POND CREEK, OKLA., *October 8, 1893.*

Capt. George A. Dodd, Third Cavalry, being duly sworn according to law, states as follows:

Headquarters of my command was at Pond Creek. On day of opening I had guards over three railway bridges; scouting parties along Pond Creek, Polecat Creek, and Osage Creek; guards at the town sites of Pond Creek and Round Pond; guard on booth at Cameron and remainder of troop scattered along the line between Caldwell and Kiowa.

My district was bounded on north (56 miles) by southern line of Kansas; on east (32 miles) by Chicago, Rock Island and Pacific Railway; south (36 miles) by sixth standard parallel; west (29 miles) by north and south line passing through Kiowa. Total: 153 miles border; area, 1,624 square miles.

I believe, and all outside evidence goes to show, that my district was practically clear of "sooners." In clearing the district the troop and detachments marched 1,626 miles from the 2d to the 16th of September.

The grass was not burned in my district during time of opening of Strip.

The homesteaders were remarkably orderly and well behaved, both before and at time of opening. Except in a few cases of drunken ruffians and attempted bullying, no force had to be used. I personally went among the people, explained the desires of the Government, and asked the assistance of the better class in carrying out the prescribed rules. They readily responded by reporting attempts at "soonerism" and in assisting to hold the line in check on the day of opening.

My instructions were generally to arrest and remove intruders on that portion of the Cherokee Strip under my charge, and prevent unauthorized persons entering thereon previous to 12 o'clock m. on the 16th of September.

My noncommissioned officers and privates were instructed to arrest, and hold until released by me, all persons crossing the line before the proper time. In case of persons riding across the line before the proper time, and refusing to halt when ordered to do so, the guards were ordered to shoot their horses and then arrest the persons. In case intruders resisted by use of firearms, soldiers were instructed to fire upon, disable, and, if absolutely necessary, kill such persons.

Officers were authorized to make arrests for lawlessness in the Strip and on the 100-foot border, especially in the vicinity of the booths. It is not known to me that any United States marshals visited my district prior to the opening. There were neither United States marshals nor other civil officers at or near the booth under my charge, *i. e.*, the one at Cameron.

Many attempts were made to bribe not only men of my troop, but myself. Offers were openly made, and appeared to be regarded simply as a matter of business.

The people with whom my men were thrown in contact have been loud in their commendation of the courteous and obliging manner in which my men treated them, before and after the opening.

Positively no drunkenness existed.

H. Ex. 27—4

50.

POND CREEK, OKLA., *October 7, 1893.*

John V. Moffett, mayor of Pond Creek, Okla., being duly sworn according to law, states as follows:

I was present before and at opening of Strip, September 16, 1893. The conduct of the troops while here during that time was very good. There have been no complaints or any charges of bribery. I heard of one or two cases of attempted bribery, but the soldiers refused it. Our safety committee of citizens petitioned the department commander to allow the troops to remain here for the moral effect and on account of the unorganized condition of county and town. I have read statements sent out by newspaper correspondents, and consider them misleading and infamous in the extreme. I believe the most of this agitation connected with the opening was brought about for political effect. I visited the booths at Caldwell on several occasions, and was surprised at the discipline of the men in line, and how closely, without organization, they adhered to the rules, and made the statement to several gentlemen who were with me at that time of the strong desire of the average American for fair play.

I came in on the superintendent's car of the first train, on day of opening, September 16. We watched the run of horsemen with interest, and kept track of them as one passed the other. A dozen horsemen beat our train to Pond Creek. I am satisfied, as were those who were with me at the time, that there were no "sooners" in this country; in fact, we were among the first upon the Government town site. The Government town site is so situated that about all parts of it were visible from the train. We were all satisfied there were no "sooners" there. All the desirable claims were taken up by the men who made the run into the Strip at the proper time—12 o'clock noon. I did not see a single case of drunkenness, except in the case of one citizen.

51.

ARKANSAS CITY, KANS., *October 2, 1893.*

Arthur Wilcox, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was on the Chilocco Strip about half past 9 in the evening September 15, and observed a great many lights, such as lamps and camp fires, south in the Cherokee Strip. About as many lights were in sight at the Kansas side. These lights and fires evidently represented "sooners." This was the night before the opening of the Strip.

52a.

POND CREEK, OKLA., *October 8, 1893.*

Dr. John R. Kane, a resident of Pond Creek, Okla., being duly sworn according to law, states as follows:

As far as my observation is concerned I do not think troops could have behaved themselves better under the circumstances. I believe they have done their duty. I know from personal knowledge that one of the soldiers was offered \$100 as a bribe and would not take it. I know that another soldier was offered \$50 as a bribe and declined it. There has been no complaint of "soonerism" here. There has been no brutality or drunkenness among the soldiers stationed in this district. There were no complaints on line near Cameron, and perfect order at the booths. The soldiers did their duty properly as far as I could observe. I know of one soldier who refused \$10 to allow a man to register at back of booth ahead of others in line.

The start 4 miles this side of Cameron was absolutely fair. The rush was made at 12 noon, September 16. I did not make the rush, but remained behind to observe the others.

52b.

POND CREEK, OKLA., *October 13, 1893.*

Resolved, That we, the citizens of Pond Creek, in mass meeting assembled, desire to extend our thanks to the U. S. Army and their worthy representative, Capt. Dodd, commander of Company F, Third Cavalry, for the manly and upright conduct of the troop since taking charge of this Territory and our coming into contact with them on that memorable September 16, 1893.

Resolved, That we condemn the reporters of various newspapers for sensational reports sent out militating against Government employes and the troops in charge. We feel positive that there were no "sooners" in the territory covered by Capt. Dodd's troop.

Be it further resolved, That we respectfully ask, in the interest of good government, that the troops be allowed to remain in Pond Creek until the 25th of November, at which time we expect civil organization.

Resolved, That a copy of these resolutions be sent to Gen. Miles and also a copy to Capt. Dodd.

R. M. HARRISON, *Chairman*.
C. M. WEBB, *Secretary*.

53.

FORT RENO, OKLA., *October 6, 1893.*

Second Lieut. Charles A. Hedekin, Third Cavalry, being duly sworn according to law, states as follows:

My command (Troop A, Third Cavalry), was stationed at North Enid, Ind. T., the district assigned it being the southern half of the portion of the Strip included between the Rock Island Railway and the meridian of Kiowa, Kans.

This district was not, in my opinion, clear of "sooners" at the time of the opening. I am of that opinion because there were quite a number captured during the night preceding the opening, and the patrols which were in the interior during the night could not possibly have covered the whole territory. Patrols also chased other "sooners," but were unable to catch them.

The grass caught fire at a point on the southern border of the Strip about 1,000 yards west of the railroad. The fire caught, I believe, from a homesteader's campfire, on September 14, 1893, and spread toward the north. During the night preceding the opening there were fires on all sides. These were said to have been lighted by "sooners."

The break at 11:55 a. m. was near the Rock Island Railway. The largest crowd had assembled there, probably about 15,000, and at time of break about 11,000 rushed into the Strip. I had at this point 10 men and could not restrain the crowd. About 4,000 homesteaders stood fast until signal was given, at 12 noon, September 16, 1893.

The crowd was orderly and well behaved. I never saw a drunken man among either soldiers or homesteaders.

I am satisfied that the people did not intend to make the rush before the proper time, but just as the train on the railroad was moved up on the line quite a number of shots were fired and many supposed it was the true signal to go.

A homesteader complained to me that he had given a soldier \$15 for the purpose of filing his claim in advance, but that the soldier had beaten him out of the money, and he wanted me to get his money for him. This man could not identify the soldier.

I took special care to inform the people registering that the soldiers were there only to preserve order and had nothing to do with the clerical work.

There was no case of cruelty on part of the soldiers reported to me.

Homesteaders were exceedingly well behaved before and during the opening. No force was required to keep them in check, until 11:55 a. m. on September 16, 1893, when the line broke. My command was then utterly powerless as far as checking the men was concerned.

Noncommissioned officers and men were instructed to bring all "sooners" to me, except on the day of the opening, when the orders were to hold "sooners" until noon and then send them to Enid.

Soldiers were instructed to use all necessary force in making these arrests, but no force was needed, as all "sooners" submitted quietly when caught, although some "sooners" challenged during the night of September 15-16 fired at the patrol and managed to escape.

No civilian officers of the law were allowed in the Strip until the opening, and therefore no arrests made by them in the Strip. Outside the border the laws of Oklahoma prevailed, and were administered presumably by United States marshals and the county sheriffs with their deputies. Upon the opening the laws of Oklahoma went into effect in the Strip also. Arrests were then made by United States marshals only until local government was organized. No instance occurred requiring intervention of the military force.

I do not know of any case where homesteaders were harshly treated, and have heard no such complaint.

I heard it rumored that soldiers were being bribed and made an earnest effort to locate the corruption if any existed, but I could get no direct evidence whatever on which to base such a charge.

54.

EL RENO, OKLA., *October 16, 1893.*

Edgar E. Jennings, deputy county attorney of Canadian County, states under oath as follows:

I was present at the opening at Hennessey, Okla. Was there three to four days before the opening on the 16th. At the booth the crowd was simply awful in numbers—almost a mob from first to last. They would press up on the ropes guarding the booth and time after time the soldiers had to put them back and even force them back to keep them from crowding over the booth. There were parties going in all the time from the different lines of citizens "companies" so organized to facilitate registration. Where their names were called by the different "captains" they were permitted to enter and register. I saw nothing irregular, only the wild mob. Some few now and then would break through regardless of lines, and the soldiers would push them out pretty rapidly. I observed affairs at the booths for two or three days, returning to Hennessey at night. The soldiers answered civilly all questions when they had time. There was no brutality or roughness or misconduct on the part of the soldiers. They simply did their duty and did it well. No drunkenness among the soldiers; there was more or less among citizens, not a great deal. The nearest saloons were 4 miles distant.

I saw a good many citizens go to soldiers and make requests and soldiers would say they could do nothing for them and motion them back into the line. Some soldiers mounted and some on foot.

On the day of the opening the start was made from east of the booth at 12 o'clock, on the south line of the Cherokee Strip, from ten to twenty thousand people, under the supervision of the soldiers, who fired their pieces for the signal. By the sound I judge a cannon was fired at the time. A break was made a quarter to 12, both on the east and west side of the track, and several thousand started, probably one-half or more of the crowd going in at that time. No proper signal had been given. Do not know what occasioned the break. The soldiers did not fire on the crowd, but captured some horsemen, wagons, buggies, and footmen, and brought them back. Pretty soon the cannon fired and the balance of the crowd rushed in.

South of the bridge on the railroad south of Cherokee line, lieutenant and two soldiers, with fixed bayonets, came upon the train that had stopped there and ejected all persons from the cattle cars and took possession of the train. Afterwards there was a number of other cattle cars brought up. The soldiers ejected all persons from these cars (second arrival) and compelled them to cross this bridge, that their railroad tickets might be inspected by railroad employes; and while the bridge was alive with people the train began to move, and many had to get on the train from the outer ends of the bridge works—that is, from the sides, while the train was in motion, thereby endangering the lives of thousands of people. This outrage I attribute to the Rock Island Railroad Company. The lieutenant in ejecting the people from the train stated that the train would not be allowed to go up to the line until all had gotten off and showed their railroad tickets and their booth registration certificates. The train, when loaded, did not enter the Strip until a few moments after the gun fired. The train ran very slow up to the new town of Enid; in fact, loaded wagons beat the train to the town site.

I know nothing personally as to any troops allowing "sooners" to go into the Strip on any pretense.

Within my observation while at the booths and at the opening and at the land office at Enid several days, I know of no favors shown anyone by the soldiers with reference to the occupation of the Strip in any respect.

Prairie fires were burning before the opening and during the time and afterwards. As to their origin I have no knowledge. It is conceded by all that many "sooners" were in the Strip. It was rumored that soldiers set fire to the prairie to drive "sooners" out, but I know nothing of the fact.

55.

FORT RILEY, KANS., *October 2, 1893.*

Capt. Francis H. Hardie, Third Cavalry, being duly sworn according to law, states as follows:

No shots were fired by soldiers of my command at citizens; have no personal knowledge of citizens killed by soldiers.

Know of no bribes being received by soldiers or of any cases of drunkenness or cruelty on the part of the soldiers under my command.

There were no prairie fires in the section scouted by my command, but the escape from prairie fires was due to good luck, since a spark from a railroad train could have started one at any time.

In obedience to orders from Col. Forsyth, commanding, I left Fort Riley with my troop—1 officer, 43 enlisted men, 2 civilian teamsters, 48 horses, 12 mules—for Alva, Ind. T., which is situated 18 miles south of the Kansas line from the town of Kiowa City, Kans., on the Panhandle division of the Atchison, Topeka and Santa Fe Railroad, and there took station. The command left here August 30, 1893, and arrived at Alva the night of August 31, 1893.

I there received instructions from Col. Parker to remove promptly and absolutely all unauthorized persons, as well as all cattle found, from the district assigned me to scout, the northern half of a section of the Strip bounded on the east by a line running north and south through Kiowa, Kans.; on the west by a line running north and south through Fort Supply, Ind. T., and on the north and south by the limits of the Strip.

My command was stationed at Alva. I believe my district was clear of "sooners" at time of opening of the strip.

The homesteaders were orderly and well behaved with some few exceptions; the only cases where force was used is reported in my report to Col. Parker, which covers all the ground concerning the events connected with the opening.

The orders given to my troopers were those contained in Col. Parker's instructions to me. Home-seekers going in before the proper time were removed.

It is impossible for me to state from memory the number of persons, horses, and cattle put out of the strip before the opening. Reports were made to Col. Parker, giving the names and a complete description of them. Over five hundred head of cattle were removed, and more than fifty horses. Owing to the large extent of country I was ordered to patrol, my troop was divided up into small patrols from the main camp. These small camps at other points were located and scouting done from there also.

Everything went off nicely in my district except the four minutes start ahead of time.

Sworn to by Capt. Francis H. Hardie, at Chicago, Ill., October 14, 1893.

TROOP G, THIRD CAVALRY,
Camp near Alva, September 23, 1893.

Lieut. Col. DANGERFIELD PARKER,
Thirteenth Infantry, Commanding Troops in the Field,
Cherokee Strip.

SIR: I have the honor to report the following in regard to the operations of my troops on the day of the opening of this Strip.

My troop covered a length of line of nearly 25 miles, with Kiowa City as the central point. Sergt. Frawley, with a patrol, was at Sand Creek to start those congregated at that point; Corpl. Coughlin was with his patrol at the Medicine Lodge. Both of these congregating stations were east of Kiowa City. I was at Kiowa City with the main body of the troop. Corpl. Douglas was near a point about 15 miles west of Kiowa City; Private McPherson at a point about 5 miles west of the said city; First Sergt. Kaine and patrols had charge of the trains entering the Strip.

Those persons entering the Strip from Kiowa City were notified by printed circulars, one of which is inclosed with this report, of their limits, giving them 3 miles to line up on; but the distance not being sufficient, I extended the limit to 3 miles east, giving them in all a distance of little over 4 miles, which was ample.

The crowd was easily handled, every one seemed to be eager to do what was required (with some very few exceptions), good natured and orderly, but intensely eager.

My men were posted out in front at a distance from each other of about 500 yards, with orders to keep back the crowd until the proper time, to promptly repeat the signal for starting by firing their carbines in the air.

The people, as the time for starting drew near, were strung up with excitement and eagerness. At about four minutes before the starting time some one, either accidentally or on purpose, discharged a pistol in the crowd of horsemen near the railroad bridge, which started them. Seeing quickly it was impossible to stop them, I quickly fired my pistol, which was answered along the line promptly, so that the start was practically simultaneous.

Private Fairfax, of my troop, in front of whom the break was made, stopped the first man out of ranks and brought him back to the line and kept him there until all had gone; he could do no more. The killing of three or four would not have stopped the avalanche of people in their mad rush.

A report was circulated by people afterwards that the shot was fired by a negro, but I have yet to see the first person who saw the shot fired.

Before the run I rode along the line and cautioned the people against firing and explained to them the serious consequences which might arise from such an act.

I estimate that over 5,000 people made the run from my line, a large number coming from the east on account of the larger crowds further east.

The crowds at Sand Creek and Medicine Lodge mostly came from the east.

The noncommissioned officers at other points report everything going off smoothly.

First Sergt. Kaine, who had charge of the cars, found them loaded when they arrived at the line, but put everyone off and then carried out the instructions of the Secretary of the Interior; and his conduct has been honorably praised by the citizens. All the citizens of this town and all that I have met on the return here seem perfectly satisfied with the arrangements made in their behalf. The town is perfectly orderly and everyone seems contented.

I have no casualties to report among the citizens or enlisted men, whose behavior has been commendable in every respect.

The system of registration at the various points, while possibly may have worked some hardships, mainly due to the weather and lack of water in some localities, on the whole worked a great advantage to actual settlers in many ways.

Most the grumbling and fault-finding was done by land sharks, who were debarred the privilege of getting certificates not so much through a question of conscience as through the fear of being refused permission afterwards at the land offices to file their claims.

It is impossible in an affair of such magnitude as this opening turned out to be that some injustice may not have been done, hardships endured, accidents happened; but I am forced to believe that in this opening there was less lawlessness and intimidations practiced than in the opening of Oklahoma some years ago; and in this I am borne out by reputable citizens who took part in both.

Very respectfully, your obedient servant,

F. H. HARDIE,

Captain Third Cavalry Commanding Troop G.

Official copy:

J. M. LEE,

Captain Ninth Infantry,

Assistant to Inspector-General Department of the Missouri.

ORDER TO RAILROADS.

WASHINGTON, D. C.. *September 11.*

Secretary Hoke Smith late this afternoon issued an order governing railroads on the Cherokee Strip:

"I hereby direct that no railroad train be permitted to enter said outlet during the six hours before said time of opening. After said time of opening for three hours trains will be allowed to enter said outlet only under the following regulations:

"(1) They must be for general use and not leased or chartered by any favored person or passengers.

"(2) The trains must be stationed at the edge of said land at least thirty minutes before the hour of opening, and shall not be entered by passengers earlier than thirty minutes before the hour of opening.

"(3) No one shall enter one of said trains as a passenger unless he holds a certificate from one of the booths.

"(4) The trains may start upon said land at any time after the hour of opening.

"(5) The trains must stop at every station and intermediate points not more than 5 miles apart.

"(6) The trains will be limited to speed to 15 miles an hour.

"(7) The regular local rate of passenger charges shall not be exceeded.

"(8) No person shall be allowed to board said trains after they enter the Strip.

"The United States officers in charge will give effect to this order."

Ordered by Col. Parker to carry out the orders of the Secretary of the Interior as published in the newspapers of September 12, 1893.

This taken from the Kansas City Times.

F. H. HARDIE,
Capt. Third Cavalry.

Official copy:

J. M. LEE,

Capt. Ninth Infantry,

Assistant to Inspector-General Department of the Missouri.

THE SIGNAL.

People having certificates to enter the strip will please line up by 11 o'clock tomorrow morning, Saturday, September 16, 1893, in a space 2 miles east of the city limits and 1 mile west of same. The signal to enter Strip will be fired precisely at 12 m to-morrow, Santa Fe time, by Capt. Hardie, Third Cavalry, from a point opposite the registration booths. This signal will be repeated along the line by soldiers. Those desiring to go by the railroad will please have their certificates in their hands.

F. H. HARDIE,
Captain Third Cavalry Commanding.

56.

STATE OF KANSAS, *Barber County*, ss:

B. W. Key, being duly sworn, says that he is a citizen and business man at Kiowa and was present at Kiowa at the opening of the Cherokee Strip; that the presence of United States troop was a benefit to the citizens; also to the many home-seekers who congregated at this point for the "opening," and that there was but one expression from all: That the Army officers and men who were stationed here were gentlemen and did much to promote peace and good order with the 7,000 or 8,000 people who were here from early in September until after the 16th inst. I have no personal knowledge of any "sooners," although some are reported in street talks.

B. W. KEY.

Subscribed and sworn to before me this 16th day of September, A. D. 1893.

WM. F. SMITH,
Justice of the Peace.

57.

ALVA, OKLA., *October 11, 1893.*

William Carter, citizen (G. A. R.), stated under oath as follows:

I was present at opening at Kiowa. The captain (Hardie) and troop of the Army on duty there conducted themselves in all respects in a creditable manner. Saw nothing to the contrary. At the land office here in Alva, I saw the troops here one day, and the same good condition was the rule; saw nothing out of the way.

Heard some talk at the booth near Kiowa of bribery or undue influence. It was talked, but know nothing of the truth of such report whatever; that was in regard to the soldiers.

Heard of no man who said he bribed a soldier.

No prairie fires.

58.

ALVA, OKLA., *October 6, 1893.*

S. L. Johnson, Postmaster at Alva, Okla., states as follows:

There was no complaint against troops stationed near Alva, Okla., *i. e.*, Thirteenth Infantry, Third Cavalry.

An occasional soldier might fill up occasionally, but taken all together they were a credit to the service and attended strictly to their own business.

The strip grass here was not burned.

My experience is that a good deal of howling is frequently done by people who did not get claims or town lots, and more often by people who want to saddle blame on the Administration in regard to the opening of the Strip.

I can only speak for Alva, and can truthfully say that in this neighborhood the opening was fairly and honestly conducted, and there were no complaints against the troops, Federal officials, or any one else.

59.

ALVA, OKLA., *October 12 1893.*

We the undersigned, citizens of Alva, Okla., beg leave to make the following statement. We were present at the opening of Cherokee Outlet to settlement, September 16, 1893, and have been residents of Alva since.

We beg leave to certify to the good conduct, efficiency, and discipline of the officers in charge, viz: Capt. Hardie and Lieut. Saffold, and of their command during the opening, and while in command at this place. We have no knowledge of bribery, corruption, or drunkenness by them or their command. The officers in charge used every effort to secure the safety and well-being of settlers, and no command could have given better satisfaction. They were kind, courteous, and obliging, and any report contrary to this statement is without foundation. There was no one injured; no prairie fires, or anything to mar the peace and quiet; and we take pleasure in making this statement, as we consider it due the officers in charge and the men in their commands.

John E. Hughes; J. G. Lemont; John Poston; J. P. Zimmerman, attorney at law; C. W. Hobbie; C. R. McAllister; C. G. Greever; Blare & Cormick, attorneys at law; G. W. Poindexter; L. L. Williams; Sample & Noah, attorneys at law; F. H. Shelley; T. G. Goodwin, attorney at law; James W. Bell; John A. Moe; Townsite Trustees, Alva, Okla.; S. T. Canico, notary public; A. C. Towne, attorney at law; John Paulson; Robert M. Hall; S. H. Oliver; S. H. Smith; B. C. Smithson; S. F. Shannon; Albert H. Andrus, attorney at law; C. W. Ellis; Miller & Dunn, attorneys at law; T. J. Womack, attorney at law; Mathew Jones; Erskine W. Snoddy, deputy United States marshal; G. H. Alexander, probate judge; O. C. R. Randall, county attorney; J. F. Ogbn, attorney at law; John W. Bishop, attorney; John Harper; John W. Boling, attorney.

A true copy.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General, Department of the Missouri.

60.

NOTES BY CAPT. LEE.

ALVA, OKLA., *October 11, 1893.*

C. H. Eldred, large cattle dealer, 17 miles west of Kiowa, said:

I do not approve of the method of opening; think the registration booths were unnecessary and of no practical value; tended rather to facilitate "sooners" than to prevent. One hundred people ran from line 17 miles west Kiowa. Conduct of troops was excellent. No bribes that I heard of.

ALVA, OKLA., *October 11, 1893.*

Saw citizens in post-office and elsewhere—farmers and all classes. They speak in highest terms of conduct of troops at Kiowa and Alva and on the line generally in this region.

R. A. Cameron, attorney at Alva, says in conversation that the conduct of troops was in all respects satisfactory.

61.

WOODWARD, OKLA., *October 10, 1893.*

A. Witzleben, manager of store, being duly sworn according to law, states as follows:

I know of no officer or soldier receiving bribes from "sooners," nor do I know of any person who bribed any officer, soldier, or other person.

I know of no soldier who can be charged with drunkenness or cruelty, coming under my observation.

I know of no settlers who have fallen victims to prairie fires.

I registered at the booth at Kiowa, Kans. Soldiers were in attendance and stationed around the booth, and everything was conducted in a most exemplary manner, the soldiers conducting themselves in a very creditable way.

I took the train (on September 15) to Higgins, Tex., intending to enter the Strip on September 16 from that point. At Higgins, also, I found the soldiers acting in a thorough, quiet, and disciplinary manner, and giving no one the slightest shadow of offense.

On the line of the Strip, as we came by rail from Higgins, soldiers were also stationed there, taking charge of the crowd which was on the train, and their conduct there was the same as stated before, giving not the slightest offense to any one, attending to their duties in a perfect manner.

62.

FORT RENO, OKLA., *October 7, 1893.*

Capt. George K. Hunter, Third Cavalry, being duly sworn according to law, states as follows:

I was first ordered to proceed to Wynoka, Ind. T., and then to Woodward, on the 13th of September, as my supply point.

My district was the southern half of the country lying west of a line running north and south through Kiowa, Kans., and bounded on the west by a north and south line through Fort Supply, Ind. T., and by the boundaries of Cherokee Strip on the north and south.

So far as known to me my district contained no "sooners" at time of opening.

The grass was not burned in my district.

The homesteaders were orderly and well-behaved, and no force was required to keep them in check.

My general instructions were to remove all unauthorized persons from my district, as well as all cattle found, and, before opening of Strip, to preserve the peace and guard United States property.

My line was 60 miles long. I did not give any instructions to fire upon persons entering the Strip before the proper time. I cautioned my men to be firm towards these people and to treat them courteously. The object was to keep the people out of the Strip without using violence.

Officers were authorized to make arrests for lawlessness, and call upon United States marshals or deputy United States marshals to make arrests in case of disturbance.

No case of my men receiving bribes was reported to me, and I don't think any occurred.

None of my men were charged with drunkenness or cruelty.

There was very little demand for land or town lots in my district.

About 1,000 people entered the Strip on this southern line of my district, which was about 60 miles. I gave the signal to enter the Strip by firing my pistol, at 12 noon, standard time. No effort was made by the homesteaders to start before the signal.

63.

CHICAGO, ILL., *October 13, 1893.*

Second Lieut. Kirby Walker, Third Cavalry, being duly sworn according to law, states as follows:

I was in command of Troop D, Third Cavalry, before and during the time of opening of Cherokee Strip.

I did not see any prairie fires in my district during that time.

There was no drunkenness nor disorderly conduct among my men during that time.

My district was clear of sooners at time of opening.

There was no complaint of bad conduct of my men by citizens or homesteaders.

There were very few people in my district to make the run. The land was very poor and not desirable.

There were only about 30 people on horses and in wagons who made the run from Higgins, and about 300 on the train.

There were no charges of bribery against any of my men.

The officials at the booth gave the sergeant in charge of detachment at the booth a paper stating that he had been efficient and performed his duties very satisfactorily.

64.

CHICAGO, ILL., *October 13, 1893.*

First Lieut. Isaac P. Ware, assistant surgeon, U. S. Army, being duly sworn according to law, states as follows:

I was on duty with Troop D, Third Cavalry, at Clear Creek, Ind. T.

I was present before and during opening of Cherokee Strip. I did not observe during that time any drunkenness among the men of the command.

I heard of no cases of enlisted men being bribed by "sooners" during that time.

There were no prairie fires in the section of country occupied by us.

I heard no complaints of bad conduct of troops towards homesteaders. The conduct of the soldiers during the time they were in the field was excellent.

The country was, to all appearance, clear of "sooners" at time of opening.

65.

FORT SUPPLY, OKLA., *October 10, 1893.*

Sergt. Henry Holden, Troop D, Third Cavalry, states under oath as follows:

I was on duty in connection with opening from September 2 until return to post on September 21. Was on duty at booth near Higgins, patrolling and guarding booth. No disorder of any kind. No bribes or other inducements offered to soldiers for favors. Over 900 registered at that booth. No "sooners" found by my men as they reported. There were no prairie fires in my vicinity.

Note by Capt. Lee.—I directed this sergeant to notify men of troop that I desired to see any man of the troop who was offered a bribe or other consideration to favor any citizen in connection with the opening. None came forward. Sergt. Holden submitted recommendations—copies attached, marked A and B.

A.

GENERAL LAND OFFICE,

September 15, 1893. (Booth in T. 20 N., R. 25 W.)

We, the officers of booth No. 4, Cherokee Strip, desire to give our frank and unsoiled tribute to Sergt. Henry Holden, of Troop D, Third Cavalry, and his men under him.

Isolated from the outside world, we were compelled to rely upon him for everything, and it gives us pleasure to testify to his soldierly qualities, his calm judgment, and unfailing courtesy.

None could have accomplished his onerous duties better, and he is an ornament to the high grade of service he represents.

FRED. L. HARVEY,
ALEX. HUNTER,
C. B. STRONG,
Officers in charge.

Compared with original and found to be a true copy.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General Department of the Missouri.

B.

SEPTEMBER 16, 1893.

This is to certify that Sergt. Henry Holden, of Troop D, Third Cavalry, U. S. Army, has faithfully discharged the duties assigned him by his commanding officer in keeping the "boomers" from entering the Cherokee Strip before the day of the opening (12 o'clock noon, September 16, 1893), in accordance with the President's proclamation of August 19, 1893; that he, with the boys under him, has carefully looked

after and protected the property belonging to the Government of the United States located in booth No. 4, in T. 20 N., R. 26 W., near Higgins, Tex., and we, the officers of the General Land Office, stationed at said booth, thank him and his men for their kindness shown to us; and we further say, that any request which he and the boys may ask may be granted, and that any favor shown them will be greatly appreciated by us.

CHAS. B. STRONG,
General Land Office, Washington, D. C.
FREDERICK D. HARVEY.
ALEXANDER HUNTER.

GENERAL LAND OFFICE, *September 14, 1893.* (Booth in T. 20 N., R. 26 W.) Compared with original and found to be a true copy.

J. M. LEE,
Captain, Ninth Infantry.
Assistant to Inspector-General Department of the Missouri.

66a.

FORT SUPPLY, OKLA., *October 10, 1893.*

Sergt. John M. Boisner, Troop D, Third Cavalry, states under oath as follows:

Was on duty with his troop in connection with opening south and southwest of Fort Supply, scouting and patrolling to keep out "sooners;" found none. Was at booth two or three days at time of opening; saw no misconduct of any kind. No bribes or anything offered to soldiers by citizens for any favors to my knowledge. No drinking at all among our men. Nearest saloon about 3 miles away. No prairie fires in that section.

Sergts. F. P. Krarup, W. C. Hart, Corpls. John Regan, S. D. Mitchell, and James Sullivan, Troop D, Third Cavalry, all being duly sworn, stated that they were on duty south and southwest in connection with opening; substantiate same facts as Sergts. Holden and Boisner as to conduct of troops, no prairie fires, etc.

66b.

CHICAGO, ILL., *October 18, 1893.*

First Lieut. M. B. Saffold, Thirteenth Infantry, being duly sworn according to law, states as follows:

I was at Alva at day of opening; bribes were freely offered to myself and men at the land office for the purpose of getting in. Many represented that their families were sick and gave various other reasons. I am positive no bribes were accepted by my men, and that there were no complaints to that effect by the citizens. The fact that the people ceased offering bribes is the best evidence that none were accepted by the soldiers. Everything went off quietly and perfectly orderly.

67.

FORT SUPPLY, OKLA., *October 10, 1893.*

First Sergt. Michael J. Murphy, Sergts. G. A. Perkins, W. E. Dady, and Joseph Herzog, Corpls. Robert Jennings, Edmund De Lattre, and Michael Kelly, Company E, Thirteenth Infantry, all being sworn, stated under oath severally and collectively:

We were on duty at Alva (a land office now) with our company, E, Thirteenth Infantry, under command of First Lieut. M. B. Saffold, from 13th September until 28th September.

Prior to opening there were no special duties to perform beyond camp duties. On day of opening and after that guard details did duty at land office, preserving order and seeing that men got into land office in turn. Not a very large crowd there.

First Sergt. Murphy and all other noncommissioned officers say that on day of opening Lieut. Saffold warned all noncommissioned officers and men of company against receiving any money or consideration of any kind from any citizens in connection with the duties.

Sergt. Herzog says some ladies were admitted to file by vote of the people in line ahead of others, but there were no bribes offered by citizens or solicited by soldiers.

No drunkenness among soldiers or citizens. No saloons there; one was started and was closed up. No prairie fires in that region. No misconduct; best of feeling between all there, both soldiers and citizens.

We were publicly complimented by paper there, the *Alva Pioneer*. Clipping herewith.

All, except First Serg. Murphy, who was on duty at camp all the time, and Corp. De Lattre, say we called some back numbers of persons who were not there in line when their names and numbers were first called. They were, of course, passed, and lower numbers necessarily called and admitted. Then we afterwards, by order of Lieut. Saffold, called all of the back numbers, for one and a half days, about, and they were admitted. This gave some dissatisfaction among the higher numbers who were waiting their turn. A public notice was posted on the door of the land office that for Monday afternoon and all of Tuesday (the second Monday and Tuesday after opening) back numbers would be called. This was all public and open, and no favor was shown to any back number over another, all being taken in rotation. The people had been numbered by noncommissioned officers, and their names and numbers taken and recorded on a list. After Tuesday, the 26th of September, no more back numbers were called.

Corp. De Lattre was on duty there forenoon of Wednesday, the 27th, when the company took the train en route to post.

No prairie fires.

[*Alva Pioneer*. Established September 16, 1893.]

ALVA, OKLA., Friday, *September 22, 1893.*

The officers and men of Company E, and Thirteenth Regiment United States infantry, stationed at present in this city, are a body of as fine men as are in the service. All citizens commend their soldierly appearance and gentlemanly manners.

68.

ALVA, M COUNTY, OKLA., *October 11, 1893.*

F. P. Alexander, register land office, states under oath as follows:

I arrived here Monday evening before the opening. Soldiers came here on Wednesday, I think—the infantry, I mean. Capt. Hardie, with his cavalry, was already here and camped about 2½ miles from this town site.

The soldiers, infantry, under Lieut. Saffold, were on duty at the land office preserving peace and perfect order and regularity during the time they were here. They left about ten days ago. In conduct they were courteous, efficient, and bore themselves with propriety. Lieut. Saffold was attentive and energetic in his duties. Some little talk, on the outside, of apparently irresponsible persons of undue influence being brought to bear on the soldiers. No specific charges were made and did not demand any investigation, as everything was peaceable and in an orderly manner. Heard of no cases of disorder or abuse nor drunkenness while men were on duty.

No prairie fires in this vicinity.

F. C. Langley, deputy United States marshal, having heard foregoing statement read in his presence, under oath fully corroborates it and says further:

That there was a rumor that some soldier was taking bribes. I went to Lieut. Saffold and he told me to inquire into it, and if there was any ground for it he would take the stripes off of any man that was engaged in it. I made diligent inquiry and found there was nothing substantiated, and so reported to Lieut. Saffold. The soldiers, in all their duties, were courteous as men could be under the circumstances.

69.

FORT SUPPLY, OKLA., *October 10, 1893.*

Capt. Harry G. Cavanaugh, Thirteenth Infantry, being duly sworn according to law, states as follows:

My command was stationed at Woodward, the county seat of N County, Okla., where a land office is situated.

List of names of railway employes and postmaster's and mail contractor's employé was turned in by me to the land office officials.

After the hour of 12 m., upon the arrival of the people at the town site and its vicinity, no force was required to keep them in check. They formed the most peaceable, quiet and orderly community that I have ever seen under like circumstances.

There was no chance for offering bribes; no force of any kind was required; no cruelty of any description occurred.

There being no liquor permitted to be sold under the Territorial laws for at least two weeks after the opening, I had but two men of my command slightly under the influence of liquor and confined to the camp; this happened several days after the opening.

There were no United States marshals to my knowledge in my vicinity. I had under my immediate command, for two days after the opening, 15 men at the land office for the purpose of preventing disturbances and to see that the first to arrive had first access to the office.

I was informed by many citizens on my departure that they were sorry to see us leave, and that in their opinion the presence of troops had a very beneficial effect and a tendency to prevent disorder, as the cowboy element largely predominated for the first few days.

I was present before and after the first opening of Oklahoma and in command of the troops stationed at Guthrie from May 6, 1889, until their presence was deemed no longer necessary, June 15, 1891. I was present in a private capacity at the opening of the Cheyenne and Arapahoe country, and as far as my personal knowledge goes as to the conduct of troops and citizens, the recent opening compares favorably with either of them.

70.

FORT SUPPLY, OKLA., *October 10, 1893.*

First Sergt. Emile Seneca and Sergts. Thomas Kelly and George B. Stevens, and Corp. George F. McGurran, Company B, Thirteenth Infantry, being all duly sworn, state under oath, severally and collectively:

Almost the whole company, about forty men, was on duty at Woodward, or in the vicinity of the United States land office there. We were under Capt. Cavanaugh's immediate command. There was no disorder of any kind; the best of feeling prevailed; no bribery of any kind that we heard of, nor any offers of that kind to any of us or our men, so far as we know or heard. Some days after the opening two of our soldiers got slightly under the influence of drink.

There were no prairie fires that we saw.

The citizens expressed regret at our leaving there to return to post. Everything was harmonious and the best of feeling prevailed among all concerned.

71.

WOODWARD, OKLA., *October 10, 1893.*

Wilson M. Hammock, register, and D. H. Patton, receiver, being duly sworn according to law, state as follows:

The questions, "Do you know any officer or soldier who received bribes from sooners?" and "Do you know any person who bribed any officer, soldier, or other person?" we answer emphatically, No, never heard an intimation of such in connection with this district.

The question "Do you know any soldier who can be charged with drunkenness or cruelty?" we answer in the negative, and take great pleasure in commending the gallant bearing of the soldiers under Capt. Cavanaugh during the opening, as well as their gentlemanly, courteous conduct to all, from the humblest homeseeker to the officers in charge of the land district.

We have heard of no prairie fires in this region.

72.

POST-OFFICE WOODWARD, N COUNTY, OKLA., *October 10, 1893.*

James T. Hickey, postmaster, being duly sworn according to law, states as follows: I do not know of any one receiving bribes; nor have I heard of any complaint whatever against the troops at this place.

I opened up this post-office the 8th of April last. I have been here ever since, having met all of the old settlers, railroad men, Government employes, and those doing business here; also the cattlemen passing to and fro with their stock and for shipment from this place; and I can state positively that at no time before or since the opening of the Strip have I heard of any complaint against the United States troops stationed here under the command of Capt. Cavanaugh. On the contrary, I am of the opinion that all here, old and new settlers, without exception, would join hands in praise of the acts of the captain and his splendid company.

73.

WOODWARD, OKLA., *October 10, 1893.*

Clarksen & Bentler, being duly sworn according to law, state as follows:
I know of no bribery or attempted bribery, nor of any drunkenness of officers or soldiers.

The conduct of officers and soldiers was first class in every respect.
I have been a resident here for the past six years.

74.

FORT SILL, OKLA., *October 8, 1893.*

Capt. William M. Waterbury, Thirteenth Infantry, states as follows:

My station was at the land office of Enid. There was no force used or needed to keep the homesteaders quiet. No disturbance or bloodshed occurred while I was in command there.

Only one case of bribery came to my knowledge. Private William Horne, of Company C, Thirteenth Infantry, was accused of receiving a bribe of \$10. When this case came to my knowledge I had the man confined and surrendered him to civil authority upon proper warrant, September 25, 1893.

75.

ENID, OKLA., *October 8, 1893.*

H. H. Jenkins, of Enid, Okla., stated under oath as follows:

I saw a soldier who was guarding well near land office about a week after opening. He was armed, gun and bayonet. He was maudlin drunk, and had a bottle of whisky in his pocket—had just put it back after offering a citizen a drink.

I heard that a soldier on duty at the well made an exhibition of himself by disgraceful conduct—carousing and kissing a well-known reputed prostitute—this in broad daylight in the presence of many people.

76.

ENID, OKLA., *October 10, 1893.*

Robert M. Patterson, postmaster at Enid, Okla., states as follows:

As to the conduct of the soldiers stationed here, both before and after the opening of the Strip, I neither saw nor heard of any drunkenness or disorderly conduct, nor heard of any complaint whatever against them.

The Strip was on fire in every direction during the week. I was here preceding the opening, but I never heard it charged to any particular individual. Everything was so dry there that only a spark was sufficient to ignite it.

77.

CAMP UNITED STATES TROOPS, PERRY, OKLA., *October 4, 1893.*

Capt. Benjamin H. Rogers, Thirteenth Infantry, states as follows:

I arrived here with my company on the 14th of September. The grass was mostly all burned then. It was extremely dry weather and the supposition was then that it was done by sparks from the locomotives. A well-believed rumor was in circulation that it had been done by people who were to ship forage into the country to sell and who had sent agents in at night to do the work.

I had no drunkenness amongst my men during the opening, and did not until they were paid some two weeks later.

Twenty-four "sooners" were arrested by me on the morning of the opening, they being hidden in the several ravines running through the town site of Perry. They were held until the rush was over and then released.

The town was opened in a very orderly manner. There was no general disturbance that required the interference of troops. One man, a supposed murderer, was arrested by me and held all night until it was found that the man he assaulted was not in as precarious a condition as first supposed, when he was released after ascertaining his name, address, etc., which information was turned over to the chief deputy United States marshal on duty at Perry.

The names of the twenty-four "sooners" arrested were turned into the land office, with the time and place of their arrest noted.

My orders when I came here were from the commanding officer of Fort Sill, Okla. They were to proceed to Perry, Okla., and camp there; to cooperate with the civil authorities to preserve the peace; to protect the United States land office and United States post-office, and all Government property when necessary. General instructions covering all the points in the President's proclamation were received by me from Lieut. Col. D. Parker, Thirteenth Infantry, commanding troops in the Strip, on the 19th of September—three days after the opening. They had been sent in ample time, but blocked up in the mailsomewhere. In the absence of these special instructions, I used my own judgment regarding the part the troops were to take at the opening.

I did not place any men outside of the land office to run the line; and that duty was performed by deputy United States marshals. I visited the land office frequently to see that order was preserved, and on no visit did I see anything but an orderly crowd. I kept my men well in hand in case of disturbance; and gave assurance both to the register and receiver that I was ready to move them to the land office at the slightest sign of trouble. That has been done up to the present day; all men being required to remain in camp during the open hours at the land office, unless special permission is given to be absent.

No complaints have been received by me as to any wrongdoing of any of my company since our arrival.

78.

PERRY, OKLA., *October 5, 1893.*

J. C. Scruggs, sheriff of P. County, Okla. (county seat, Perry), stated under oath as follows:

I came here on Saturday, the 16th of September, from the south line—starting at 12 o'clock about 9 miles from Perry. I entered on duty as sheriff immediately after arrival here. Capt. Rogers turned over to me a man he had in arrest for knocking a man on the head who was thought to be murdered.

The conduct of the troops here was good in every respect, doing their duty thoroughly and harmoniously. Have heard no complaint against them, nothing as to bribery or misconduct. I understood they held quite a number of "sooners" and held them until after the opening. Prairie fires were burning in every direction; I crossed three fires on my run. As to who started the fires, I do not think the soldiers had anything to do with starting the fires or favoring or helping the "sooners" in any respect.

I started half a mile west of Orlando to make the run. Capt. Johnson's men were there. A false start was made to the west of me about one and a half minutes before the time. The soldiers got out of the way, as it was useless to try to stop the crowd. No shots were fired there at all. The conduct of the troops on the south line was excellent and efficient in every respect, both at the booths and at the start.

Many "sooners" got in, but the soldiers could not help that. All the soldiers in the country could not have prevented that. The feeling towards the soldiers among the citizens is good. No complaints whatever that I have heard; have heard of no bribery of soldiers either here or on the south line.

79.

PERRY, OKLA., *October 5, 1893.*

Harry Colton, farmer, of Logan County, Okla., states under oath as follows:

I have been here since about September 12, 1893; was here under orders of the Department. Capt. Johnson was here with his company of cavalry and relieved, September 14, by Capt. Rogers with the infantry company. Capt. Johnson and his company was scouting, clearing country of intruders. Conduct of his men was excellent; saw them frequently. Do not know, nor have I heard of any of them being bribed or otherwise neglecting their duty. No drunkenness, nor mistreatment of any citizens. Prairie fires were general, burning in every direction. Saw many between here and Arkansas City night September 14, when returning to Perry. Am satisfied they, or many of them, originated from railroad engines—wind blowing—country dry. Fires were burning where there were no troops—not originated in any way by troops so far as I know or ever heard.

On the 14th and 15th of September, Capt. Rogers, on my reporting and others, sent out men and arrested "sooners" and brought them and held them until after the opening. They were, to the best of my knowledge, not turned loose until some time in the afternoon of the opening. Capt. Rogers and his men were diligent in their duties. In their conduct they were kind and courteous to the citizens, and to my knowledge did their duty in a gentlemanly manner throughout. I was fully familiar with the situation here and around here. Their presence was highly beneficial in the interest of peace and order.

80.

PERRY, OKLA., *October 5, 1893.*

T. M. Richardson, banker, at Perry, Okla., being duly sworn, stated as follows:

I am in business here as banker. Was present at opening here at noon on September 16, 1893. Found Capt. Rogers here with his company of infantry soldiers; have been here since, and am fully conversant with the action of the military. Their presence here was in the interest of peace and good order. The opening and settlement of this place and adjacent country was peaceable and orderly—I think largely due to the presence of the military. The conduct of officers and men was in all respects proper and commendable. There was no misconduct nor drunkenness on their part; no outrages nor abuses of any kind towards citizens in any respect to my knowledge, and I have been in a position to know what was taking place. The opening here was in the highest degree successful as could be expected, considering the excitement necessarily attending the sudden rush and settlement which took place. There were, doubtless, many "sooners" in the country, which it was impossible to prevent. The military here, I understand, arrested and held a number of "sooners" until after the opening, without conflict or personal harm to anyone.

There were prairie fires burning all over the country at time of opening. As to their origin I have no knowledge, and know of nothing connecting any of the soldiers with these fires.

81.

PERRY, OKLA., *October 5, 1893.*

Dick T. Morgan, lawyer, of Perry, Okla., stated under oath as follows:

I came here on September 16, on second train. Have been here since, except Sundays; have neither seen nor heard of any misconduct on part of troops here. Have heard of no complaints as to any abuse of citizens in the performance of their duties. So far as I know they performed their duties here properly.

By general report, there were many sooners came into this section of country. In my opinion, it was, and would be, impossible for the troops to keep out sooners. I have heard of troops arresting sooners—whole squads.

I was at the booth on the line near Arkansas City two different days, as I recall, during registration; also, on two different days, at booths near Orlando, south of here. So far as I observed, there was no misconduct at either place on the part of the troops I saw, and they appeared to be doing their duty properly.

W. S. Morris, of Perry, Okla., fully corroborates, under oath, statements of others as to good order and proper demeanor of troops here, and marked courtesy of officers, Capt. Rogers and Lieut. Newman, towards strangers making inquiries.

82.

PERRY, OKLA., *October 5, 1893.*

E. E. Westervelt, railroad agent at Wharton, being duly sworn, according to law, states as follows:

I have been agent at Wharton over a year; was here at the opening and prior and since.

Capt. J. B. Johnson came here about the 1st of September with about 60 men. He was clearing this part of the Strip of intruders, getting ready for opening. He put out sooners. He remained here until about a day or two before the opening. The conduct of the troops was good; no outrages or abuses complained of. They probably brought in four or five parties at different times; they were arrested or started out of the country.

They arrested a saloon-keeper from Oklahoma City, dressed in old soldier's clothes. He was not a soldier; they held him here until after opening. Capt. Rogers came here about two days before the opening, and Capt. Johnson left soon after his arrival.

I have heard of nothing wrong, nor of any misconduct on the part of these men.

On the day of the opening there were any number of sooners here—several hundred. I understood, by common talk, that there were deputy marshals who had been bribed not to arrest these sooners—not to have them taken under guard of the soldiers. There were twenty-five or fifty men who were on the town site by some kind of permission before the opening, and immediately after 12 o'clock many of them went right onto lots. By 12:20 all the center of Perry was taken—hundreds of men in here then. The nearest line to run from was from 8½ to 9 miles south.

The troops appeared to be taking no part in the matter. I was here about 12:10, and so far as I saw the troops did nothing to prevent the sooners taking lots. No sooners came here until noon; they were all around in the brush waiting for the crowd to commence to come in.

The deputy marshals appeared to be keeping all off until noon, except those who seem to have had permission to be here at that time, who were on the town site.

The troops had fifteen or twenty sooners in the guardhouse about half past 10 the morning of the opening. There was no cavalry here, only infantry, and it was impossible for dismounted soldiers to keep such a large number of sooners out of the country around the town site. Deputy marshals seemed to be scouring the country; the troops appeared to be only guarding the sooners brought in by the deputies.

As to bribes given to soldiers, heard no complaints of that. I have seen no misconduct of the troops at any time since they have been here.

There were the usual prairie fires burning at this time of the year. As to being caused by soldiers, heard no such accusation. Know nothing as to origin of fires.

Heard of no cases of any abuse or brutal treatment of citizens by soldiers.

When cavalry was here detachments were sent out scouring the country, putting out cattle and intruders.

Capt. Johnson and Lieut. Ryan and their men appeared to be energetic and vigilant in the performance of all their duties.

83.

PERRY, OKLA., *October 5, 1893.*

J. E. Malone, register land office at Perry, Okla., stated under oath as follows:

I have been on duty here since the night of September 15; have seen the troops daily. They have attended to their duty sober and no complaints whatever have come to my knowledge concerning them or their conduct in any respect. They have proffered their assistance to the officials in my department wherever required.

84.

PERRY, OKLA., *October 5, 1893.*

J. H. King, receiver land office at Perry, Okla., stated under oath as follows:

I have been here on duty since the 14th of September, about noon, and within the limits of my observation the troops on duty here under Capt. Rodgers have performed their duties fully, and have conducted themselves properly in every respect; nor have I heard of any complaints against these troops of any misconduct what-

ever, and I know that on the 15th the lieutenant, with a file of soldiers, hunted the gulches adjacent to the town for sooners. I saw him go out and come back, and so did the chief clerk of the land office, Davis, we being the only two men connected with the land office on the ground. I know nothing of the conduct of the troops elsewhere except from rumor. My engagements and my office have precluded my hearing things that I might otherwise have heard. I speak from my personal observations.

Note by Capt. Lee.—Mr. King stated in conversation that a party whom he considered reliable told him that he had had information that the captain or lieutenant in command at the opening near Arkansas City had received a bribe of \$3,000 to let parties run from the south side of Chillicothe reservation, 3 miles inside of the strip.

(See Gilbert's affidavit or sworn statement.)

85.

TO WHOM IT MAY CONCERN.

This is to certify that I was upon the Perry town site, in Oklahoma Territory, before and after the opening of the Cherokee Strip (in the capacity of boarding boss); that so far as my observation and knowledge goes the conduct of both officers and privates was courteous and gentlemanly.

T. D. HANCE.

Subscribed and sworn to before me this 7th day of October, 1893.
[SEAL.]

H. W. BARKLEY,
Notary Public.

My commission expires August 24, 1895.

Official copy.

J. M. LEE,
Captain, Ninth Infantry,
Assistant to Inspector-General, Department of the Missouri.

86.

PERRY, OKLA., October 5, 1893.

Mr. C. P. Drace, postmaster at Perry, Okla., stated under oath as follows:

I have been here since about the 8th of September, 1893, as postmaster. Have heard no complaints about the troops whatever, neither as to bribery, drunkenness, nor misconduct. The cavalry were scouting and attending to their duties thoroughly. No complaints against the infantry as to any of these matters. Everything passed off quietly as far as I know. The troops had nothing to do with starting prairie fires, as far as I know. Generally understood that the fires were, as usual at this time of the year, caught from trains. Capt. Johnson took in all the sooners he could find, and the infantry did all they could. The feeling of citizens is good towards the troops.

Note by Capt. Lee.—Parties in Perry say that the postmaster, Drace, immediately after opening, 12 o'clock, at Perry, was seen dragging a tent from his office; and his brother held down a good lot immediately after 12 o'clock.

87.

CAMP OF UNITED STATES TROOPS,
Perry, Okla., October 9, 1893.

Capt. Benjamin H. Rogers, Thirteenth Infantry, states as follows:

I arrived at Wharton, Okla., on the morning of Thursday, the 14th of September, with my company, G, Thirteenth Infantry, and went into camp on the railroad right of way. On that day I visited Perry town site, a mile distant, to pick out a camping ground, and found no one on the town site but the postmaster, who pointed out block B, which had the Government well bored in its center, and said he thought

that it was reserved as a public park. I returned to camp and that afternoon was visited by a Mr. Mora, who stated that he was in the employ of the Government and had been sent to Perry to survey the town site.

He showed me a map which had B block marked as a public park reserve, and which he stated was in accordance with his survey. On the next morning I moved my company and camped them as marked in ink on map (herewith). My left line of tents were in a 50-foot alley and my right line on the rear of the lots on south side of block B. Officers' tents were mostly in Seventh street. The lots on block B run north and south, therefore my occupation of the block presented no obstacle to the people who wished to take their chances in staking out lots there. The next day, at about half past 12, the rush commenced, and the first intimation I had that B block was not a reserve was about a quarter of 1 o'clock, when I saw Mr. Mora himself show a person where to place his stakes on that block. I, in the meantime, had advised several people that they were wasting time by staking out lots in that block, as it had been reserved as a public park. I instructed my men to do the same thing, and Ex-Governor Swineford, special agent in charge, who was standing by my tent advised them the same.

I immediately accosted Mr. Mora and asked him what he meant by advising people to locate on that square, and he gave me some evasive answer. Shortly after I again saw him locate another person on block B, and again asked him what he meant, and he then told me that block B was not reserved as a park, but was open to settlement, and pulled a blue map out of his pocket, which, he said, was the latest map from Washington, and which placed the public park reserve at the other end of the town, east of Cow Creek. I asked him how long the map had been then in Perry, and he replied "a day or so," but he had no time to notify me. From that time I and my men notified every one interested that the block was open to settlement.

I understand that the first map made out at Wichita and sent on to Washington was not approved in so far as having the park reserve adjoining the court-house square, as it would injure the city to have so much open space in one place; but the corrected map was, according to Mora himself, there in ample time for me to have been notified and to have moved my company over to the Government acre on the court-house square. But I charge that Mr. Mora, for reasons best known to himself, kept the map in his own possession until his scheme was carried out. My reasons for camping on the supposed park reserve instead of on the court-house square were that the Government well had been sunk on the park reserve, and as it comprised the only water fit to drink in that section of the town I knew I would have to guard it and wished to camp close to it for that purpose.

On Saturday, one week after the opening, I went to Guthrie, Okla., and made a full statement of the above facts to Governor Swineford, special agent in charge, who informed me that he would report them to the Interior Department, at Washington.

One man, a surveyor by the name of Coulton, informed me that he saw Mr. Mora stake out about six lots on the north side of B block and put people on them. Mr. Coulton said he would make affidavit to this.

The map herewith is the same as the one shown me on Thursday evening by Mr. Mora.

88.

PERRY, OKLA., October 5, 1893.

W. F. Harn, attorney at law, explains in regard to the block occupied by troops at time of opening; exclusion of people from same, and subsequent occupancy by deputy marshals and others:

It is reported that a different plat was distributed here from the true plat, which was believed to have been done designedly to mislead people and favor others.

89.

FORT RILEY, KANS., October 2, 1893.

Farrier John P. Burke, Troop C, Third Cavalry, being duly sworn according to law, stated as follows:

I was on duty with the troop at recent opening of Strip; was on duty at booths for about four days near Chillico reservation. Sergt. Edward Murphy was in charge. I was asked to let a man into the booth ahead of his turn. I was told by him I would not lose anything by it. I was not offered any special sum. I told him I could not do that under any circumstances. Could not let anybody go in

before his turn. I was riding along keeping the line in order. He came to me separately. I could not see any way that a man could have gotten in ahead without trouble, even if anyone was disposed to let him do so. There was no back or side entrance, there was no way to enter except by the front. Captain and leaders of squads of 20 men were at the entrance watching. Everything went off peaceably and quietly so far as I know.

Fires were abundant; appeared to be started in all directions. We saw a party of citizens start a fire near mouth of Turkey Creek. The parties got out of our way so we could not get them; escaped across the Arkansas River. Did not notice any fires particularly before the opening.

90.

FORT RILEY, KANS., *October 2, 1893.*

Private Charles W. Lennox, Troop C, Third Cavalry, being duly sworn according to law, stated as follows:

I was on duty at opening of Strip near Arkansas City. I was on duty at booths from the night before the booths were opened until two days after the run on the 16th. The booths were kept open several days after the opening for registration I think. On Monday night before the opening I was walking post; there was a man approached me right at the booths and offered me a bribe of \$1 apiece (\$4) for himself and three other men to register the next day. I refused the bribe and thought nothing more of it at that time. On next Thursday I was mounted then on the line and the men told me that there was a citizen offering to procure their certificates for them for \$2 each, and they showed me the man. I found the man "working" a man at the time. I took him (the man that was working the other) and started for the booth to report him to the proper authority—the Government clerk, Mr. Gallagher. The road was blockaded and the man got away from me and disappeared. I saw no more of him.

People orderly. No severity by troops. Saw no drunkenness by men on duty. I heard of no man who did accept a bribe there, citizen or soldier. Know nothing about who started prairie fires. Know nothing of any of the reported killings or deaths by burning, except from hearsay.

91.

FORT RILEY, KANS., *October 2, 1893.*

Wagoner Timothy Costello, Troop C, Third Cavalry, being duly sworn according to law, stated as follows:

I was on duty at the recent opening of the Cherokee Strip. I was on duty at booths near Arkansas City. I was dismounted a part of the time right at booth, and passing the men in to be registered. On the second or third day after beginning registration 3 men beckoned at me from rear of booths, and I went out to them and they asked me if they could register. I told them, no, they would have to take their place in line as well as the rest of the men. One of the men put his hand in his pocket and pulled out \$10, and says that is \$5 for each of us, if there is any possible way of letting us in we will let you have this much. I says, "No, sir; you'll have to move out of here; I am not here for that purpose." They hesitated about moving, and I told them if they did not go I would make them go. It was hardly possible for any one to get in ahead that way without raising a row.

Saw prairie fires burning all around; don't know how or by whom started. Registration was peaceable and orderly.

Know nothing of outrages, except hearsay.

One man offered me a bottle of beer in rear of booth tents, but I refused it.

92.

FORT RILEY, KANS., *October 2, 1893.*

Private Jacob H. Mose, Troop C, Third Cavalry, being duly sworn according to law, stated as follows:

I was on duty at opening of Strip near Arkansas City. I was on duty one night at booths before they began registering. The day of the opening, on the 16th of Sep-

tember, I was patrolling east of the railroad near the Indian school reservation on the 100 feet where the people formed. About half an hour before signal was fired I was near east corner. I met a short, stout man, about 50 years old, who asked me if \$25 would induce me to hold a claim for him. I told him it would not, because it would not pay me, as I had to do my duty. He was in earnest, I believe, as he reached into his pocket as though he was going to give me the money. He said he was an old soldier himself, and he knew how it was that I had to do my duty. I told him yes; he ought to know what the penalty would be to disobey an order. He said he could raise the money if he could get the claim he wanted. I told him I could not possibly do it, as I had to be there on duty.

Saw prairie fires burning all around; don't know how or by whom started. Registration was peaceable and orderly.

Know nothing of outrages, except hearsay.

93.

FORT RILEY, KANS., *October 2, 1893.*

Private Herbert E. Mackey, Troop C, Third Cavalry, being duly sworn according to law, states as follows:

I was on duty at opening of Strip near Arkansas City. I was on detached service patrolling the line, and also in the Strip with Sergt. Ihling before the opening, and on that day. I was at Bitter Creek the day of the opening. About the 14th of September a man told me he would give me \$150 if I would take some stakes with his name on them and drop them or stick them in a claim near the Shakaskia Creek or River, southwest of Arkansas City. I did not get this man's name. I told him I did not do that kind of business. I had a man offer me \$5 just to let him ride out a few hundred yards in the Strip to look at the country that was between Bitter Creek and Chilocco school reservation, several days before the opening. Several others talked the same way. I declined all their offers, and told them I was on duty.

I saw many prairie fires. Was told by a party that a squaw man started some to sell his hay, some 500 tons. I have no knowledge myself of this. I heard about the killing; know nothing. No special bother where I was stationed. No drunkenness except among some citizens. We put out "sooners;" had no serious trouble at all.

94.

POND CREEK, OKLA., *October 8, 1893.*

Corp. William H. Burns, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I left Pond Creek with two wagons to escort a party of "sooners" out of the strip. About 12 o'clock we stopped for dinner (before opening); one of the party told me if I would let him get out of my sight he would give me \$10. I told him he would have to go with me to Caldwell, Kans. He said he might make it worth more to me if I would let him go. I refused his offer and took him to Caldwell, Kans. This man's name is E. F. Norris, of Marquette, Kans.

95.

POND CREEK, OKLA., *October 8, 1893.*

Private Frank McCue, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I was on duty at the bridge near the water tank of Rock Island Railroad on night of 15th of September. The train had stopped at the station near the tank, and a man came up to me. He offered me \$10 if I would hide him so he could get a good claim, and he said if he did get one he would make it all right with me. I laughed at the man. I told him I could do nothing for him. I then went up to the bridge and left him. The man got on the train again.

96.

POND CREEK, OKLA., *October 8, 1893.*

Blacksmith Jacob Renz, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I was on duty at Cameron, Kans., at the booth. A man came to me and asked me to get him registered ahead of those in line; that he had just come in on the train and wanted to get away. I told him that I could not do anything for him. I was under orders of Capt. Dodd and couldn't do anything in that line. He had several ladies with him, and asked me if I couldn't get one of them registered at once; he would give me \$10. I told him I could not do it. I do not know this man's name.

97.

POND CREEK, OKLA., *October 8, 1893.*

Sergt. Thomas R. Gray, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I was on duty before and during opening of Cherokee Strip, and had charge of a guard at the booth at Cameron, Kans. About the 15th of September a man came to me and said he would give \$100 if I would let him pass through the line I was guarding, for the purpose of getting into the Strip to secure a claim ahead of the time. I said there was no use for his trying and rode away. I do not know his name. Another man remarked in my presence that he would give \$10 for a suit of soldier's uniform. I suppose he wanted it for the purpose of getting into the Strip under the guise of being on duty as a soldier.

I reported to my company commander the fact that a bribe had been offered to me of \$100.

98.

POND CREEK, OKLA., *October 8, 1893.*

Sergt. George E. Semple, Troop F, Third Cavalry, being duly sworn, stated as follows:

I was on duty with my company before and during opening of Cherokee Strip. I had charge of a detachment on the line. On the 3d of September I was ordered out to scout the country to look for unauthorized persons. I found one man by the name of Arnett, of Anthony, Kans. He had about 400 or 500 head of cattle. He was within 10 miles of Cameron, and in the Strip, and he said rather than drive his cattle to Pond Creek he would give me \$100 to take his cattle across the line, or leave them there and take him to the commanding officer. I told him he would have to go to the commanding officer with his cattle, and I brought them all in the next day. I refused the offer of his \$100.

99.

POND CREEK, OKLA., *October 8, 1893.*

Corpl. Robert Johnson, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I was present and on duty with my troop before and during opening of Cherokee Strip. On the evening of the 15th September I was approached by a stockman and he told me if he could wake up at a certain place in the Strip after 12, noon, next day, he would give me \$100. I refused his offer. I then reported this circumstance to my company commander, Capt. Dodd. At the time this man made me this offer I was going among the people on Big Sandy Creek explaining how the start was to be made the next day, when this man called me to one side to make the offer. I do not know his name. I had charge of the starting of the line at that point.

100.

POND CREEK, OKLA., October 8, 1893.

Private John Winterbottom, Troop F, Third Cavalry, being duly sworn according to law, states as follows:

I was cooking at camp by the railroad near the station and town site of Pond Creek before the opening of the Strip. There were three men in a wagon came to me and said they would give me \$100 and a gallon of whisky if I would hold down a lot at Round Pond until 1:30 p. m., September 16, and an additional \$100 for another lot. I declined the offer. Round Pond is about $2\frac{1}{2}$ miles south of Pond Creek and is the Government town site. I believe these men's names are Samuel Marshall, John Worcester, both from Safford, Kans.

101.

ENID, OKLA., October 8, 1893.

W. E. Thralls, of El Reno, clerk at Enid, Government town site, stated under oath as follows:

Was present at opening on south side Hennessey booth. About the booth about two days, Monday and Tuesday, before opening. As far as I saw there was nothing wrong among the troops there. Saw but few there; heard general charges all along about soldiers being corrupted or exacting money to put people in ahead at booth. No misconduct that I saw on part of troops.

Know nothing of origin of prairie fires. Heard it said that soldiers set fire to prairie to keep "sooners" out; heard it currently reported that soldiers would put "sooners" out who would not put up to stay in.

I made run on 16th; came to Enid land office same day, in evening. There were soldiers here on duty at that time. About dark heard a soldier, at well near land office, cursing and making use of foul and vile epithets towards citizens. He seemed to be guarding the well.

Judge J. L. McAtee, of Caldwell, was with me; he went to get water, returned without it, and said, "They're fussing over water"—that he refused to let W. O. Barnett, of Wellington, Kans., have water. Judge McAtee said Barnett told him he saw this soldier receiving money from others for water.

On Monday at Enid, Okla., C. E. Wilson, lawyer, said a soldier offered to pass him through line into Strip night before opening, also his brother-in-law, Dodson, for \$20, and to give them the cue or password, so other soldiers would not disturb them.

Upton Kitzmiller lives 3 miles east of El Reno; said to me that about 7 miles west of Hennessey a soldier—a sergeant, he thinks—offered, for a consideration, to pass him in the night before the opening. He declined. Soon afterwards he saw the soldier talking to Joe Lyon, a brother of Dick Lyon, a sergeant of Fifth Cavalry. Afterwards he (Joe Lyon) was found on a splendid claim with a spring in it.

I have no personal knowledge of these matters—all indirect. There were other cases, but they are too vague for me to state anything about them.

102.

ENID, OKLA., October 8, 1893.

T. J. Sanford, attorney at Enid, Okla., states under oath as follows:

After Strip opening and while soldiers were on duty at land office here, about September 22, Mr. Skeed informed me that he thought arrangements could be made with soldiers on duty at land office to get some parties through to file at land office ahead of others. The two soldiers, one a sergeant, florid face, light complexioned, somewhat corpulent; the other one a slim, small man, dark complexioned, with a mustache.

The arrangement was this: Skeed said it was all fixed so we could get then through for \$15—\$5 apiece for the two soldiers and \$5 for the deputy that would call the names.

I saw the soldiers; they said it was all right for to-morrow, that they had all they could put through that day.

The terms were repeated to the soldiers. They agreed to receive the names on a slip of paper, and the deputy marshal would call the names and the soldiers would see that they got through.

Arrangements were made to secure them the money, which they would get when the parties were admitted to the land office. Some change was made on the next day and the arrangement was not carried out.

103.

EL RENO, OKLA., *October 6, 1893.*

T. R. Jackson, sheriff of Canadian County, stated under oath as follows:

I was only present at the opening a short time on the rail or near there in the vicinity of Hennessey. I was on the line from about 4 to 5 miles east of the railroad from about 11 to 1 o'clock the night before the opening. During that time I heard some conversation near by. Could not distinguish what was said. Saw two horse-men; they called for Bill Williams, of El Reno. He went to them and they talked. Williams told me at the time, upon coming back, that a sergeant had offered to give them the pass-word, let them inside the line that night, take them to a safe place where they could not be molested, for \$5 apiece. Williams repeated this to three or four of us—there was probably about fifteen in the crowd. I told him (Williams) to do nothing of the kind. I don't think he had any inclination to do it, anyway. Williams went back to the mounted men, had some talk, and then returned. In my opinion the lieutenant, a cavalryman, I think, who was in the first train in the head engine, is responsible for all accidents that happened at New Enid, for this reason: I was in the engine. The engineer asked him (the lieutenant) if he must stop at New Enid. The lieutenant said, "You can do as you please; I have no orders to stop here." The train was then running good speed at that point for the first time. The train did not stop nor slow up. A great many people jumped off at this town site, injuring a number. After passing New Enid the train slowed up. I jumped off after it slowed up, some distance beyond the town.

Before this the train had stopped about every 5 miles from the south line. The train stopped two or three times before passing through New Enid. My judgment is that the last stop before reaching New Enid was about 3 miles south of that place, having made three stops as I remember. New Enid was the Government town site and land office where the people wanted to get off.

I know nothing as to origin of prairie fires. I saw no misconduct on part of troops; they were sober so far as I saw; I was there too short a time to take any particular notice.

I saw no favors by soldiers to citizens at the registration booths or elsewhere. I paid no attention to it. I heard several say that they had paid money to register, whether to soldiers or citizens I can not say; both seemed to be on duty there. I can not give any names, as it was talk.

At a previous opening of the Cheyenne and Arapahoe Reservation it was managed by the soldiers much better and more successfully. The troops were then stationed at a good distance in front, where they could be seen by the people and give the signal at the same time. In this case the soldiers were only a short distance in front of the people, probably 20 to 30 feet, making it difficult for the mass of people to see them any distance.

104.

PERRY, OKLA., *October 5, 1893.*

S. L. Gilbert, lawyer, of Perry, Okla., states under oath as follows:

I ran on a fast horse from east of Orlando on September 16th; arrived here thirty-five minutes after 12, beating the train (nine minutes).

I was ordered off a block where the troops were by a soldier, ordered to go around, which I did. I understand that other parties were soon afterwards allowed on same day to go there and stake lots. When I came here there were at least 3,000 men and a few women here, as I estimate. The majority of these were "sooners" beyond all reasonable doubt. From observation and inquiry there were not over 100 or 150 horses here when we got here.

As to whether there was any collusion between the "sooners" and soldiers here I can not say. Have heard such reports as common talk. No specific case of names and amounts given.

As to the conduct of troops, they were well behaved and kept under good discipline.

There is a matter as to the run made from south line of Chilocco Indian Reservation, near Arkansas City, Kans.

I heard from a reliable party, J. C. Stanley, an attorney of Arkansas City, that he knows a party who paid lieutenant in command \$180 for allowing entry across Chilocco Reservation. He said he would give the name of the party when called upon to do so by proper authority. I think it was Fred Bower (butcher?) who gave me the names of parties who contributed to this corruption fund, as follows: Dr. C. S. Acker, of Arkansas City; Calvin S. Dean, of Arkansas City; Frank Hutchinson, Wyatt Hutchinson, John Root, and Alex. Woods, all of Arkansas City.

I registered at booth on the line, near Arkansas City. The conduct of troops was simply infamous—a drunken mob—abusive.

The soldiers here at Perry, so far as I saw and heard, behaved nicely. I camped by them for three days and nights.

I have known Stanley and Bower for years and believe them to be perfectly reliable.

Note by inspector.—The reported or rumored accusation against the lieutenant as above was, after renewed and careful investigation at Arkansas City, found to be without foundation, ample notice having been put in the papers at Arkansas City by Col. Heyl for any parties having knowledge of bribery to come forward and testify. None of the above parties appeared then or thereafter.

105.

ENID, OKLA., *October 8, 1893.*

F. L. Graham, of Enid, Okla., stated under oath as follows:

I came here on train at opening, September 16; know nothing personally as to bribe taking or any transactions on the part of soldiers, or their conduct generally.

On Tuesday or Wednesday following opening I heard here a Mrs. Lee, of El Reno, say she bought her way into the land office to file (I saw her papers), and that she paid, I think it was, \$5 to the first soldier and \$2.50 to the other one, who were guarding entrance to the land office. She was telling some boys how she worked it and they could work it same way.

106-107.

NOTES BY CAPT. LEE.

OLD ENID, OKLA., *October 8, 1893.*

Met Mr. S. F. Spencer of O County Bank, New Enid, Okla., on way to depot. In conversation with him on way to depot he said the soldiers here were a lot of thieves and bribe takers; that he saw or knew of a soldier receiving \$2 for putting a man in ahead of others in staking lots, and that there are numerous cases of same kind which can be authenticated; that he was on business here and would not care to make any affidavit in these matters, and while the facts were as stated he did not seek to have his name mentioned, in fact would prefer otherwise, though I (Capt. Lee) could use my discretion. The train arrived and our interview ended. Mr. Spencer appeared to be a gentleman of reliability, and I give his statement accordingly, having made notes of same within an hour thereafter.

While riding from Old Enid to the new town of Enid, one Emil Gridley, who said he had an interest in lot 3, block 9 (New Enid), which he stated parties interested had sold for \$500. Said that on Monday (the 18th) after the opening two young soldiers on duty at the land office—either general land office or town-site office—offered to put him in ahead of others for \$5. He did not pay anything, but the offer was made to him by the two soldiers. I took his name and he reiterated the statement. I then told him who I was and that I was investigating the conduct of soldiers in just such cases, and asked him to get out and swear to his statement. He demurred at first; but upon my assuring him that he would not be involved in any way, that I only wanted the truth, he got out of the carriage and made oath before me that the statement he made was true. He had the appearance of being an honest man.

108.

ARKANSAS CITY, KANS., *October 2, 1893.*

Frank Schreeves, a resident of Butler County, Kans., being duly sworn according to law, states as follows:

A soldier came to our wagon about 10:30 a. m., September 16, 1893, and said he would take us in and give us a big start ahead of the crowd for \$5 apiece. We did not accept his offer, but made the run at noon from Kansas line. I saw a soldier fire several shots during the rush, and saw one of the homesteaders fall from his horse, which I afterwards learned was a Mr. Hill.

109.

ENID, OKLA., *October 8, 1893.*

J. W. Thompson, probate judge, County O, Oklahoma, was informed by Capt. Lee of the object of his investigation and the charges against the soldiers, to which he replied that it is all true, the only trouble being to get specific proof. He further stated under oath as follows:

I was at the registration booths south, town 20, range 7. I saw soldiers receiving money from citizens to be put ahead of others in registration. I saw a number of cases. I could identify one of these soldiers, but probably not the others. Sergt. Daken was in charge there. The conduct of troops otherwise was good so far as I observed. Have no personal knowledge of occurrences here.

110.

ENID, OKLA., *October 8, 1893.*

Z. A. King, deputy United States marshal and city marshal of Enid; resides in Washita County; states under oath as follows:

Was present at booths at Hennessey and until opening on 16th, and here at Enid since. The military had entire charge at the booths. (There were three and then six booths.) I was there, not in connection with this business, but looking for a murderer. I saw, however, how the things were managed. Sergt. Daken, of the cavalry, appeared to be in charge of managing the immense crowd with several mounted men. I was there daily from the beginning to the end; in fact, was there on Thursday prior to the booth registration, which began on Monday. The system was this: Some attorneys and deputy marshals and deputy sheriffs, mainly from Kingfisher, appeared to be manipulating much of the business. They had companies organized of, say, about four hundred in each, giving them numbers. Some of these numbers would be left blank for sale on the outside.

The companies would line up to take their turn at the registration booths; the blank numbers would be sold, so as to get the parties in ahead of companies farther back. Of course, the managers of this scheme had to stand in with the soldiers or take them into the scheme. This was done to my knowledge. The soldiers would guard the crowds and keep the lines in order. "Sooners" would be passed in ahead in this way by these deputies and the soldiers, under one pretext and another, as guards, etc. While talking to Sergt. Daken parties came up to buy in ahead and made offers of money to us. The sergeant declined these offers; told them he could not do that and said same to me. He also said there was no doubt that there was money being paid to the guards—soldiers and deputies—but he could not help it; but, in my opinion, he (Sergt. Daken) seemed too good a man to accept any of such offers. He would at times ask some one in the crowd to help keep back those who wanted to crowd ahead and register. I saw myself money paid to soldiers and deputies—50 cents, \$1, and \$2. I do not know their names. The guards were changed from time to time—three men at a time. I had nothing to do with the business; was simply there as a peace officer, if anything occurred requiring my action. There was one case where a sick man was taken ahead to get his certificate. One dollar was paid to the soldier guard, who was mounted and near the booth, to let him ahead. The sick man thus got his certificate. I know of one man, Pad McCall, who was there, who came there without much money, who afterwards had a considerable amount. He represented himself as a deputy sheriff and deputy United States marshal. I understand that his brother told Mr. Thralls that he made \$400 or \$500 in this way in connection with the opening.

Saw no drunkenness nor disorder nor personal misconduct among the soldiers on duty there. The duty was hard, and at times the citizens may have thought the soldiers were too energetic in keeping the crowds back, shoving them, etc.

I inquired about the prairie fires that were burning and was told that the soldiers scouting had set the fires to drive out the "sooners." Some of the soldiers I questioned said that some of the boys (meaning soldiers) had started fires to run the "sooners" out of the gulches and cañons. I overheard talk among boomers that the stakes could not be found with the grass standing, and it would have to be burned off so that they could find the corners. I heard that talk in Hennessey and in the line after night.

Prior to the opening (September 16) and during the registration, I saw the soldiers bringing in "sooners" they had captured in the Strip, and they would hold them from

ten to twelve and twenty-four hours, and then turn them loose. On one day, after the commander came here, a squad of "sooners" was turned loose in the afternoon. These things seemed to me about the worst I saw among the troops there, as it seemed to me that these "sooners" should all have been held until after the opening on September 16. No doubt there were hundreds of "sooners" in the Strip in this part at the time of opening.

I came to this town (New Enid) about 4 p. m., September 16, 1893. I found Capt. Waterbury's company here. One soldier was guarding the well near the land office and another guarding the spring about a quarter of a mile from the land office, where there was an abundance of good water, keeping the citizens away from getting the water. The citizens justly complained of this deprivation.

I think the troops left here about the 2d or 3d of this month. While here they were guarding the land-office doors. While on duty they appeared to conduct themselves properly, with one or two exceptions. I saw a soldier on duty on the lines on the east door land office who was under the influence of drink. It seems that he was thrown outside the ropes by the citizens; he was cursing and threatening. He was taken away by two soldiers, I supposed under arrest.

The soldiers appeared to be in control, and deputy marshals and one or two deputy sheriffs of other counties and attorneys were coöperating with the soldiers in getting people in ahead to file. Mr. Butner, of Guthrie, informed me of a proposition that was made to him by another deputy marshal to take charge of the land office and work the scheme. I knew of a similar scheme before I came here. Mr. Charles Roff, deputy marshal, and also city marshal here, talked the matter over and refused to have anything whatever to do with the land office lines, except in case of riot and disorder, and then to preserve the peace.

On Monday or Tuesday after the opening, 18th or 19th of September, a lady openly and repeatedly accused, in the presence and hearing of a hundred or more people, at the north door of land office, a deputy marshal and the soldiers guarding the door of having received \$20 to let her file, and had not done so and refused to give the \$20 back which had been paid by her brother. Her brother also made the same accusation, and called the deputy a liar and threatened him. There was considerable excitement at the time. The woman got into the land office, claiming she was sick. She was put out and was not allowed to file. She came to me and said, "Aren't you a United States marshal?" I said, "yes." She said, "Can't you arrest them and make them give me my money back?" meaning, I suppose, the deputy and the soldiers. I said, "Yes; I can arrest them the same as any other citizen if I have the proof." They then went away and fixed up in some way. I believe she filed that day or the next and returned to Caldwell. That deputy is still in office, the last I heard.

The method, apparently, for putting parties ahead in filing at the land office was this, so far as the soldiers were concerned and those conniving with them: The party would approach the soldier guarding the door, tap him several times on the breast or arm and say, "How will you swap knives?" They would converse some little time and the party would return to the crowd, put his hand on another party's shoulder, or some other sign which would be observed by the soldier, and then this latter party would gradually work his way ahead to the door and would go in ahead. I noticed this particular method several times with the same soldier and with several succeeding soldiers on the guard duty there. I believe I can identify only one of these soldiers.

The general conduct of the troops here was satisfactory from my point of view. A few cases of drunkenness, off duty. I made one or two arrests shortly before troops left. Some when on duty were a little overbearing and assumed too much authority, while others were courteous and responsive to all inquiries.

111.

ENID, OKLA., *October 8, 1893.*

M. J. Johnson (colored) stated, under oath, as follows:

Came here on the opening. On Monday following began having a ladies' and gentlemen's toilet put up on the Government acre, so called, near the land office. Soldiers were armed with guns at land office. They used my place and would not pay anything; some would, but others would not. I did not pay them rent. They interfered with my business; brought many people in there with them and would not pay. Must have lost me about \$65.

I saw a citizen give a soldier \$5 right near the land office. A racket after that about such matters.

112.

ARKANSAS CITY, KANS., *September 30, 1893.*

G. W. Vaughan, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was present at opening of Strip on September 16. I was told that for \$1.50 I could get a certificate. At the time I was a day and a half away from the booth. I left my place and followed the man who told me. I gave the citizen \$1 and he said that when the soldier comes out and waves a stick I was to go to the booth, and when I passed the soldier to hand him 50 cents, which I did. When I entered the booth another soldier said, "Young man, you're in the wrong place." He said, "You can't do it for 50 cents." I handed him another 50 cents, and then the first soldier said, "Let him pass." Then I got my certificate. I do not know either of the soldiers by name. They belonged to the troop of cavalry stationed here, the Third Cavalry.

113.

ARKANSAS CITY, KANS., *September 30, 1893.*

William Kilpatrick, resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

A citizen came to me and said, "I can work you in for so much. If you go in there, you pay a soldier 50 cents or \$1." The citizen says, "Give me \$1," and I went to the booth and did not speak to the soldier. I then got my certificate. If I had gone into the line I would not have received my certificate until next morning.

114.

AFFIDAVIT IN THE MATTER OF BUYING A CERTIFICATE OF REGISTRATION AT ORLANDO, OKLA.

INDIAN TERRITORY,

Third Judicial Division, ss:

R. A. Houghton, being duly sworn, on his oath, says that he is a resident and has been a merchant of Purcell, Ind. T., for the five years last past; that he was at Orlando, Okla., on the 16th day of September, 1893, to register for a claim of 160 acres of land in the Cherokee Strip; that there were from 800 to 1,000 persons in line to register; that he stood in line about twenty minutes when he was told he was a chump to wait for all these men to register—that he could get a certificate for a claim in two minutes for \$2.50; that he went into the booth and the soldier then made a great ado about putting him out, and with much simulated and noisy zeal did put him out, the clerk saying in a loud voice: "Sergeant, you know your duty." That he then went to a man sitting at a table just outside the booth and asked him for a certificate. The man said he would get him one for \$2.50. Affiant said that was too much, and the man replied he had to whack up with the soldier. Affiant paid the man \$2.50, who took him to the entrance of booth, saying to the soldier, "Let this man pass in." Affiant passed in and got his certificate for a claim in the Cherokee Strip in less than five minutes. There were some 800 to 1,000 persons ahead of affiant for registration. Affiant further states that the manner of doing the things stated herein could not well be concealed from the officers in charge of the booth.

R. A. HOUGHTON.

Subscribed and sworn to before me this 13th day of October, 1893.

JAMES E. HUMPHREY,
Notary Public, Third Judicial Division, Indian Territory, at Purcell.

115.

NOTES BY CAPT. LEE.

ENID, OKLA., *October 3, 1893.*

W. A. Milner, city police, Enid, Okla., states that the authorities, from what he has heard, arrested the wrong man in the following case: The money was paid to a

man (soldier) who was on guard in the door. (The man arrested was reported sick and in camp.) Soldier of infantry company at Enid arrested for receiving \$20 bribe at land office, and was sent to Guthrie United States jail to be held for further action. The soldier's name is William Horne, Company C, Thirteenth Infantry—sent away yesterday (October 7).

Mr. Sam Steel says Harland, of Gainesville, Tex., told him he gave a soldier \$5 in his hand to get in at back door of land office.

116.

ARKANSAS CITY, KANS., *October 2, 1893.*

T. V. McCann, a resident of Arkansas City, Kans., being duly sworn according to law, states as follows:

I was on the west line of Chilocco at time of opening of Strip about 10:30 a. m., September 16.

There was no smoke or fire in sight southwest of Chilocco. I saw a citizen riding due south on a fast horse that led everything, and immediately on his going out of sight I saw the first smoke, which led me to suppose that he set fire to the grass. In my opinion this was done in order to retard the rush of the main body of homesteaders in order to allow the few to secure the best land.

117.

Subject: Inspector surveyor-general's and district land offices, Swineford, testifies to gentlemanly conduct of officers and men engaged at opening of Cherokee Strip.

GUTHRIE, OKLA., *October 11, 1893.*

J. M. LEE,

Captain and Inspector, Chicago, Ill.:

SIR: In response to yours of October 7, inclosing interrogatories in connection with the conduct of troops at the recent opening of the Cherokee ceded lands, I have to say that I have no personal knowledge whatever of the matters referred to in the first five of said interrogatories. As to the others, I answer as follows:

(6) Do you know any officer or soldier who received bribes from "sooners"?—Answer. I do not.

(7) Do you know any soldier who can be charged with drunkenness or cruelty?—Answer. I do not.

(8) Do you know that settlers have fallen victims to prairie fires, and who started these fires?—Answer. Nothing, except what I have seen in the newspapers. I knew that a large part of the eastern portion of the Strip was burned over, but I do not know that any lives were destroyed or who started the fires.

(9) Have you met an attorney of Gadsden, Ala., who said that the opening was a big swindle, that the soldiers on guard were nearly all drunk, and that he knows of several cases where they were bribed by "sooners"?—Answer. I have never met such a man, but know of my own knowledge that if he made such a remark concerning the "soldiers on guard being nearly all drunk," he uttered a deliberate falsehood. He is probably some jackleg lawyer, afflicted with a sad impediment in his veracity, who, if found, would deny ever having made such statements.

In addition to the foregoing answers, I wish to state that the military was called upon by the proper authorities to aid in the opening of the Strip, to facilitate an honest, orderly, and successful registration of those qualified to enter upon and possess the Cherokee ceded lands when open to settlement, and thus avoid the irregularities and scandals which had characterized and grown out of previous openings of lands in Oklahoma Territory, resulting from the employment of irresponsible, if not wholly disreputable, deputy marshals. In the discharge of my official duties I became quite conversant with what was done by the troops at this recent opening, and, so far as they came under my observation, I am quite sure they performed their duty with efficiency and discretion. With the exception of the unfortunate killing of a man, as reported by the newspapers, at the opening near Arkansas City, the conduct of the troops, so far as I was able to observe, was highly satisfactory. My knowledge of these matters includes much of the duty performed by the commanding officers at Caldwell, Enid, and Perry, as well as the troops on the same line, under Capt. Johnson, and those stationed at the Hennesey booths.

In the simultaneous settlement of a large section of country, the largest ever yet opened in a similar way, and with such a vast mass of people, there was necessarily an influx of very bad and disreputable characters, who did all they could to embarrass and thwart the well-devised plans of the Interior Department for an honest and successful opening; but, notwithstanding every obstacle, the work was carried out successfully. There are many false rumors and reports, none of which can be traced to any reputable source, or substantiated by any credible testimony; and with the possible exception of the unfortunate occurrence near Arkansas City, all was done that could and should, in my opinion, have been done by the officers and troops in the discharge of their arduous and delicate duties. As to the alleged bribery of soldiers by "sooners," I feel quite certain that a close investigation will prove each and every such allegation to be entirely false; for the reason, if for no other, that the "sooner" was reduced to no such necessity, because of the fact that the troops were entirely too few in number either to guard the border or scour the numerous hiding places in which the "sooners" could find secure concealment. To my personal knowledge, many would-be "sooners" were driven out of the strip during the week of registration; but that large numbers of others of the same class eluded the vigilance of the comparatively small force on duty is not at all to be wondered at. In my opinion, the entire strength of the cavalry arm of the United States Army would hardly have been sufficient to the complete prevention of "soonerism" at the recent opening. I wish to add that I had charge of the recent opening as a representative of the Interior Department, and that as such representative, I cheerfully testify, not only to the gentlemanly conduct of the officers and troops with whom I came in contact, but that on the part of the officers my every suggestion and request, looking to the preservation of order and proper conduct of the business in hand, met with the most prompt and cheerful response.

Very respectfully,

A. P. SWINEFORD,
Inspector Surveyor-General's and District Land Offices.

120.

COPY OF LETTERS FROM THE RECORDS AT FORT SUPPLY, OKLA.

GUTHRIE, OKLA., September 1, 1893.

Lieut. Col. PARKER,
Commanding troops in the Cherokee Strip:

DEAR SIR: The booth that formed the subject of your telegram this afternoon, as are all the others, has simply been located.

The work of construction will begin Monday next. When I left Washington Judge Lamoreux told me to see you if possible before the booth officer began work, and request you to place a sufficient guard around each booth to preserve order and quell disturbances, also to place a similar guard at the land offices on the 16th instant.

I presume, however, that he has communicated with you on that subject. I would like very much to see you, however, to discuss the manner of giving signals at the moment of opening the Strip, in order that we may have the benefit of your judgment.

If you should chance to be at any point next week where I may reach you by rail I will try and meet you. If, however, your business does not call you away from Fort Supply, I will come over there soon, although I am quite busy at this point arranging details relative to the opening.

Very respectfully,

EMMITT WOMACK,
Special Agent.

A true copy.

A. P. BUFFINGTON,
First Lieutenant, Thirteenth Infantry, Post Adjutant.

CAMP AT CHILOCCO, IND. T., September 1, 1893.

Lieut. Col. D. PARKER,
Thirteenth Infantry, Fort Supply, Ind. T.:

SIR: I have the honor to ask whether 100 feet on the inside of the Arkansas River where it bounds the Cherokee Strip is to be set apart in accordance with the proclamation of the President?

I ask this because I am informed that a decision has been received from the Interior Department that the Arkansas River is a part of the Strip, and if such is the case people could not congregate on this side of the river preparatory to the opening.

I also wish to know whether people are to be allowed to congregate on the Chillicothe school reservation preparatory to the opening.

This reservation is a block of land $3\frac{1}{2}$ by $4\frac{1}{2}$ miles long, along the State line south of Arkansas City, and is surrounded by a wire fence; except where the main road south from Arkansas City cuts through it.

Very respectfully, your obedient servant,

F. M. CALDWELL,
Second Lieutenant, Third Cavalry, Commanding Troop C.

GUTHRIE, OKLA., September 2, 1893.

Col. PARKER,

Commanding Cherokee Strip, Fort Supply, Ind. T.:

Will you kindly have a detail sent to points of each booth to take care of same from time of erecting them, which work begins Monday next?

EMMITT WOMACK,
Special Agent.

The above are true copies.

A. P. BUFFINGTON,
First Lieutenant, Thirtieth Infantry, Post Adjutant.

GUTHRIE, OKLA., September 3, 1893.

Lieut. Col. PARKER,

Commanding troops, Cherokee Strip, Fort Supply, Ind. T.:

Governor Swineford is absent. I have power to issue permits and am in charge of opening generally.

EMMITT WOMACK,
Special Agent.

CALDWELL, KANS., September 4, 1893.

Col. PARKER,

Commanding Fort Supply, Ind. T.:

Will recognize permits of Emmitt Womack, Interior Department.

ELTING, *Commanding.*

Same as above from other officers.

GUTHRIE, OKLA., September 8, 1893.

Lieut. Col. PARKER,

Commanding troops, Cherokee Strip, Fort Supply, Ind. T.:

I am instructed by Commissioner Lamoreux to give notice that persons will be allowed to occupy 100 feet strip around Chillicothe reservation. Of course persons will not be allowed on reservation itself.

EMMITT WOMACK,
Special Agent.

Repeated to Lieut. Caldwell, same date.

ARKANSAS CITY, KANS., September 10, 1893.

Lieut. Col. D. PARKER,

Fort Supply, Ind. T.:

Copy of Womack's telegram received. As I understand it now, the run is to be made from the north and south sides of the Strip only. I shall clear out all camps on the eastern side to-morrow, unless otherwise ordered.

CALDWELL,
Lieutenant commanding.

OPENING OF THE CHEROKEE STRIP.

GUTHRIE, OKLA., September 11, 1893.

Lieut. Col. PARKER,
Fort Supply, Ind. T.:

No run is permissible from the Osage or Creek counties, or from any reservation. Only legal entry is from Kansas, Oklahoma, and Texas.

SWINEFORD,
Inspector.

The above are true copies.

A. P. BUFFINGTON,
First Lieutenant, Thirteenth Infantry, Post Adjutant.

GUTHRIE, OKLA., September 12, 1893.

Col. PARKER,
Fort Supply, Ind. T.:

There is a well-planned scheme by "sooners" to capture largest part of Perry town site by making their way into the Strip night of 15th, or into Otoe reservation. I respectfully suggest that all available cavalry that can be spared from less exposed sections be sent to that quarter to search hiding places and guard and patrol reservation border from early morning 16th till after run is over.

A. P. SWINEFORD,
Inspector, Interior Department.

CAMERON, KANS., September 12, 1893.

Lieut. Col. PARKER,
Fort Supply, Ind. T.:

A water famine exists here. Thousands of people and animals are suffering for water. It can be had on Strip within $3\frac{1}{2}$ miles of line. Under restrictions which I shall prescribe, may prospective settlers enter the Strip for purpose of securing water? Answer to-night. I return to Pond Creek to-morrow.

DODD, Captain.

REPLY TO ABOVE TELEGRAM.

FORT SUPPLY, IND. T., September 12, 1893.

COMMANDING OFFICER,
Troop F, Third Cavalry, Cameron, Kans.:

I have no authority to grant permission for persons to enter Strip, but have repeated your telegram to Womack, special agent, with request to answer you direct.

PARKER, Commanding.

GUTHRIE, OKLA., September 13, 1893.

PARKER, Commanding,
Fort Supply, Ind. T.:

Complaints come in large number, professional repeaters in line at booths retarding registration, as fast as they sell out, take places again and repeat operation. Please instruct your officers to stop this far as possible.

A. P. SWINEFORD,
Inspector, Interior Department.

The above are true copies.

A. P. BUFFINGTON,
First Lieutenant, Thirteenth Infantry, Post Adjutant.

Lieut. Col. PARKER,
Fort Supply, Ind. T.:

GUTHRIE, OKLA., *September 13, 1893.*

Order permitting trains to run three hours, commencing at noon, 16th, issued. Will need detachment infantry at Arkansas City, Caldwell, Kiowa, Orlando, Hennessey, and Higgins. Entrances to enforce train regulations. Please give orders accordingly. Secretary's order printed in to-day's papers substantially correct. Answer.

A. P. SWINEFORD,
Inspector, Interior Department.

ARKANSAS CITY, KANS., *September 13, 1893*

Lieut. Col. D. PARKER,
Fort Supply, Ind. T.:

Letter of September 11 received. It will be impossible to send a man to Hunnewell if the crowd is to be controlled here. There will be fully 25,000 people run from this point; there are fully 5,000 in line here already. With present force of clerks all can't be registered, and expect trouble Saturday.

CALDWELL,
Lieutenant Commanding.

GUTHRIE, OKLA., *September 14, 1893.*

Lieut. Col. PARKER,
Fort Supply, Ind. T.:

Will meet you if possible at Arkansas City Friday. Your plan of giving signals on opening is the proper one. I hope you will have that carried out. No run will be allowed from Flat Iron country, in the east, nor where it borders on the Creek country.

E. W. WOMACK,
Special Agent.

GUTHRIE, OKLA., *September 14, 1893.*

PARKER, *Commanding,*
Leland Hotel, Arkansas City, Kans.:

Am informed number of men will attempt run from Orlando on fast hand cars. They will be trespassers on road. Mr. Hartman, superintendent, will call on you in reference to matter. Please consider his suggestions as mine.

A. P. SWINEFORD,
Inspector.

The above are true copies.

A. P. BUFFINGTON,
First Lieutenant, Thirteenth Infantry, Post Adjutant.

CALDWELL, KANS., *September 18, 1893.*

Lieut. Col. PARKER,
Commanding, Fort Supply, Ind. T.:

My camp is 4 miles from town—the only water available. The booth here is broken up, and one-half of my troop is at the Hunnewell booth. All is quiet and the opening here was a great success.

ELTING, *Captain.*

ENID, OKLA., *September 21, 1893.*

Col. D. PARKER,
Fort Supply, Ind. T.:

Land offices will not close before two weeks from 18th. Commanding officer A Troop received telegrams. I need an officer here to help me; am very short of non-commissioned officers also.

WATERBURY, *Commanding.*

OPENING OF THE CHEROKEE STRIP.

Col. PARKER,
Fort Supply, Okla.:
Booth near Hennessey not yet closed.

ENID, OKLA., September 21, 1893.

HEDEKIN,
Commanding Troop A.

Lieut. Col. PARKER,
Thirteenth Infantry, Fort Supply, Ind. T.:

ALVA, OKLA., September 24, 1893.

SIR: I have the honor to report, in obedience to your orders of the 23d instant, that everything is orderly and quiet here, and that the civil officers on the ground are fully sufficient for preserving the peace and protecting property.

I recommend that the company return to its station by the 27th instant.

Very respectfully, your obedient servant,

M. B. SAFFOLD,
First Lieutenant, Thirteenth Infantry, Commanding Company E.

Col. D. PARKER,
Fort Supply, Okla.:

POND CREEK, OKLA., September 25, 1893.

Citizens request that troop be kept at this point until first of month. Affairs not settled yet. No civil organization.

JNO. W. NYCE,
Chairman Safety Committee.
M. E. KING,
Agent.

The above are true copies.

A. P. BUFFINGTON,
First Lieutenant Thirteenth Infantry, Post Adjutant.

Lieut. Col. D. PARKER,
Thirteenth Infantry, Commanding Troops in the Field, Fort Supply, Okla.:

CAMP TROOP F, THIRD CAVALRY,
Pond Creek, Okla., October 5, 1893.

SIR: In compliance with the communication from your office, dated the 18th ultimo, I have the honor to submit the following report of duty performed by Troop F, Third Cavalry, in connection with the opening of the Cherokee Strip:

In compliance with letter of instructions from your office, dated August 29, 1893, I located my headquarters at this point, arriving here on the evening of August 31, 1893.

Owing to an error on the part of the Missouri, Kansas and Texas Railway Company, the car containing the troop's saddles and other horse equipments was not transferred to the Rock Island road at White City, but was sent to Emporia, Kans., and did not reach me until September 2, forty-eight hours after my arrival here. Notwithstanding this mishap, however, by locating lookouts provided with field glasses, there were discovered, and by men riding barebacked horses, equipped only with the halter, arrested, eight outfits of intruders.

The dimensions of the district patrolled and guarded by my troop are about as follows:

North, 56 miles; south, 36 miles; west, 29 miles; east, 32 miles; total 153 miles; area 1,624 square miles.

The principal roads and trails leading into and through this district are: First, the Caldwell and Hennessey road; second, the Kiowa and Hennessey road; third, the Cameron and Hennessey road; fourth, the Bluff City trail.

The Chicago, Rock Island and Pacific Railway skirts the eastern border, and the terminus of the Hutchinson and Southern Railway is at Cameron—a small town on the Kansas line. All of these thoroughfares were guarded.

A portion of the Kiowa and Hennessey trail, being near the eastern border of this district, Capt. Hardie kept a detachment at or near its northern outlet, thus saving me much marching and transportation of supplies, while the southern portion was

guarded and patrolled by detachments from my troop. On September 6 I personally visited Cameron and located there a detachment of a noncommissioned officer and nine men as a guard to the booth to be established at that point.

Scouting parties were kept out at all times between the 2d and 16th of September, the entire distance scouted over and patrolled by the troop being about 1,626 miles.

The troop arrested and removed 59 intruders, about 1,600 cattle, 121 horses and mules, 40 wagons and buggies, and 12 families (*i. e.*, women having with them children, but not being heads of families).

On the 12th I again visited Cameron and found there a great scarcity of water, persons and animals suffering from want of it. Under date of September 12 I telegraphed the lieutenant-colonel, commanding, the situation; and my messages having been repeated to N. P. Swineford, on the 13th I received the following message:

"Settlers authorized to enter strip for water under rigid restrictions. Swineford."

The restrictions under which water could be procured from within the limits of the strip are set forth as follows:

"CAMP TROOP F, THIRD CAVALRY,

"Cameron, Kans., September 13, 1893.

"Owing to the great scarcity of water at and near Cameron the following arrangements will go into effect, whereby water may be obtained for stock, drinking, and other purposes:

"All animals to be watered, under charge of a suitable number of persons not eligible to locate and file claims, preferably minors, will be bunched at 9 a. m. and at 3 p. m., on the east side of the new railroad grade and between the southern limits of town and this camp, after which they will be led or driven, under military escort, to and from the water, southwest of the town.

"Wagons with barrels or other vessels to contain water for drinking and other purposes will be parked at the southern limits of the town and escorted to and from the spring at the same time the stock is watered.

"Any abuse of this privilege will result in its immediate and complete withdrawal.

"GEO. A. DODD,

"Captain Third Cavalry, in charge of the Central Strip."

This arrangement was carried out up to the time of the opening, and gave rise to much satisfaction on the part of settlers honestly inclined.

Owing to the extent of border (56 miles) from which starts were to be made on the day of the opening and the small number of men to guard it, and not having at the time received the letter of instructions regarding the manner of opening, I caused the following circular to be posted at the various points along the line, and generally informed the people as to the points at which the signal would be given:

"CAMP TROOP F, THIRD CAVALRY,

"Cameron, Kans., September 13, 1893.

"To insure the signal for opening being received simultaneously along the entire line, persons entering the Cherokee Strip, on the 16th instant, between Caldwell and Kiowa, will do so near the following named places within the limits herein prescribed, viz:

"Within 2 miles west of Caldwell; 2 miles east and 2 miles west of Bluff City; 2 miles east and 2 miles west of Cameron, and 2 miles east of Kiowa.

"Prospective settlers will locate themselves within these limits prior to the hour of opening.

"GEO. A. DODD,

"Captain Third Cavalry, in charge Central Strip."

"CAMP TROOP F, THIRD CAVALRY,

"Cameron, Kans., September 13, 1893.

"In addition to the limits above specified, starting will be permitted along the line 2 miles to the east and 2 miles to the west of the Big Sandy, at the point where it crosses the State line between Kiowa and Cameron.

"GEO. A. DODD,

"Captain Third Cavalry, in charge Central Strip."

The signals given were shots fired along the line; and, to prevent misunderstanding and false starts, white flags were displayed from prominent points simultaneously with the firing.

This arrangement (which, owing to the immense crowd, had to be subsequently slightly modified), with explanation, was submitted to the lieutenant-colonel commanding, and received his approbation.

On the 15th of September I received a paper signed by the leading citizens of Caldwell containing the following:

"CALDWELL, KANS., September 14, 1893.

"Capt. DODD,

"*Commanding United States troops at Pond Creek, Okla.:*

"SIR: We, the undersigned citizens of Caldwell, Kans., and vicinity being desirous of seeing a fair deal in the opening of the Cherokee Strip, and wishing to see 'soonerism' properly punished and the rights of the honest settlers protected, would respectfully petition and request you to keep a close watch upon the valleys and timbered and sheltered portions of Pond Creek, Polecat, and Osage creeks on the morning of the opening, as we have reliable information that a great number of persons contemplate entering said territory before the time of opening, and would thereby defraud many honest and deserving persons of their rights." * * *

At about the same time, in an interview with the division superintendent (Mr. Hobbs) of the Chicago, Rock Island and Pacific Railway, I learned that the authorities of that road had reasons to believe that their principal bridges between here and Caldwell would be burned or otherwise destroyed on the night of the 15th or morning of the 16th of September, and requested that guards be furnished. I therefore found myself in the dilemma of having one registration booth, 56 miles of border, and at least three important railroad bridges to be guarded; an extensive rich district likely to be seized upon by "sooners," to be scouted; two prospective town sites at which troops should be kept; and, to do this, I had forty-five available men.

In compliance with so much of your letter of instruction as admonishes troop commanders to coöperate with and assist one another, I communicated with the troop commanders whose districts adjoined mine on the east and west, respectively; Capt. Hardie cheerfully responded to this request by extending his line about 10 miles eastward, thus materially helping me. I desire to express my appreciation of this and other assistance rendered me by Capt. Hardie's troop. No other assistance was received.

The guards for the three most important railroad bridges were furnished; the territory referred to in the paper signed by the citizens of Caldwell was thoroughly scouted during the afternoon and night of the 15th and the morning of the 16th, and detachments were left at or near the prospective town sites.

A noncommissioned officer, with a suitable detail, was placed in charge of each one of the starting districts, except the one at Cameron, which I took personal charge of; and, to each of the noncommissioned officers a sealed watch was sent, on the morning of the 16th, these watches having previously been set to the standard time, secured at Cameron by telegraph. Signals were given according to these watches, and I do not believe that there was material deviation along the entire line. By riding nearly all of Friday night and all of Saturday forenoon I was able, personally, to visit the most densely crowded portions of the line a short time before the opening; and, by talking with the people at the points most crowded, not only concealed the weakness of my guard, but caused them to form guards of their own in order to insure a fair start; the consequence being that, so far as I can ascertain, there was no false starting or breaking over the line at any point, and the start was considered very satisfactory by all. By or before midnight of the 16th my entire troop, except the booth guard, was concentrated at this point—though to effect this some of the detachments had to ride from 55 to 60 miles—after riding nearly all of Friday night and Saturday forenoon.

Referring to my own district, I am confident that it was practically free of "sooners," all newspaper reports to the contrary notwithstanding.

The people on the border were practically ignorant of the number of soldiers within the limits of the district; the roads and trails being so guarded as to result in the arrest of about all who entered or attempted to cross the Strip, created the belief that many more troops were in the interior than there really was.

Since the opening I have made it a point to personally investigate every alleged case of "soonerism" and have yet to find a bona fide case.

The arrangement at the booth precluded the possibility of the men on duty there rendering services in consideration of bribes, even were they disposed to do so; and I carefully abstained from doing more than acting as guard and preserving order, in compliance with the expressed wishes of the officer in charge of the booth. The matter of registering was entirely in the hands of the officers appointed for that purpose; and the matter of arranging the lines, order of registration, etc., rested entirely with the booth officers and the people themselves, troops only being used to preserve order, prevent ruffianism, and see that the prescribed rules and regulations were not violated.

There were neither United States marshals nor other civil officers present; and universal satisfaction was expressed as to the arrangements made, as well as to the deportment of the troop.

On September 22 I received orders to return to Fort Riley, and made arrangements accordingly; but on the 26th of September I received telegraphic orders

directing me to remain here until further orders, the revocation of my first order being due to a request from the citizens here to that effect.

I have supplies to include the 10th instant, after which date I do not believe there will be further necessity for the active service of troops at this place, though their presence would undoubtedly prevent trouble which is apparently brewing.

The following condition of affairs exists:

There are two competitive towns, $2\frac{1}{2}$ miles apart; opposing factions exist in one of these towns, which makes it highly desirable that a civil organization be effected at an early date, or before the withdrawal of the troop. At the same time antagonistic feelings exist between the two towns and between one of the towns and the railway company. In one of the towns, Pond Creek, no permanent or effective civil government has as yet been organized. It is generally conceded that the presence of troops has been most beneficial in preserving order up to this time.

In the light of developments made subsequent to the opening of the Strip, as well as in consequence of the broadcast accusation of inefficiency, cupidity, and corruption on the part of troops on duty in the new Territory, I have deemed it not out of place to make this report more comprehensive than would have been otherwise necessary, and to touch upon matters apparently of little importance under ordinary circumstances; and, in justice to my troop, I do not consider it inappropriate to say that I have received only words of praise and commendation from the mass of the people with whom they were thrown in contact, as to the manner in which my men have deported themselves and performed their duty, especially when acting alone and when thrown largely upon their personal responsibility, as they were obliged to be in guarding so large a district, and this notwithstanding the fact that large bribes were in many instances offered both noncommissioned officers and privates to induce them to disobey their orders and instructions.

I also consider it proper that the Department should know that I am prepared to refute any of the malicious charges so freely made against other troops if made to apply to mine.

Very respectfully, your obedient servant,

GEO. A. DODD,
Captain, Third Cavalry, Commanding Troop F.

Owing to defective mail service at this point a letter from Lieut. Col. D. Parker, Thirteenth Infantry, informing me that he would not be in command after the 5th instant, failed to reach me in time to admit of this report reaching him previous to his departure from Fort Supply.

A copy of the report is therefore respectfully furnished to the Assistant Adjutant-General of the Department.

GEO. A. DODD,
Captain, Third Cavalry, Commanding Troop F.

CAMP F TROOP, THIRD CAVALRY,
Pond Creek, Okla., October 22, 1893.

ASSISTANT ADJUTANT-GENERAL,
Department Missouri, Chicago, Ill.:

SIR: I have the honor to inclose herewith two papers which, it is believed, may be advantageously used in connection with the investigation to be made as to the conduct of troops prior to and during the opening of the Cherokee Strip.

These papers will show conclusively the disinclination on the part of the press—especially of the Associated Press—to make a fair and impartial report of the so-called outrages and alleged misdemeanor of the troops in question, and their willingness and anxiety to publish anything, however insignificant and prejudicial to the personnel of the Army, only so it be sensational. Honorable Members of Congress have caused these false and sensational reports, for the origin of many of which the agents of the Associated Press are responsible, to be read to Congress, and on them have based their demands for an investigation. It is believed that Congress should be informed as to the other side of the question, notwithstanding the fact that the Associated Press refuses to correct the false impressions already created, by giving currency to its true phase.

I am, sir, very respectfully, your obedient servant,

GEO. A. DODD,
Captain, Third Cavalry.

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[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Chicago, October 24, 1893.

Respectfully forwarded to the Adjutant-General of the Army for the information of the Secretary of War, in connection with report of Col. Heyl and Capt. Lee, forwarded from these headquarters on the 23d instant.

Attention is especially invited to the inclosed letter of Capt. Dodd, with accompanying papers.

NELSON A. MILES,
Major-General, Commanding.

[Telegram.]

POND CREEK, OKLA., 9.45-10-13.

The citizens of Pond Creek in mass meeting passed strong resolutions highly complimentary to the U. S. Army for the manly conduct of Capt. Dodd's troop; also complimented United States officials in charge of booth at Caldwell and Cameron prior and up to noon of September 16, 1893.

The resolutions emphatically emphasized the fact that there were no sooners in the territory covered by Capt. Dodd's troop; also condemned sensational reports sent out by newspaper correspondents.

JOHN W. NYCE.

A true copy:

GEO. A. DODD,
Captain Third Cavalry.

THE ASSOCIATED PRESS,
Kansas City, Mo., October 13.

JOHN W. NYCE, Esq.,
Pond Creek, Okla.:

DEAR SIR: The inclosed item is not of interest to the general public. We handle news of general interest only. Kindly bear this in mind in sending in your matter, and restrict yourself to only the most important news from the standpoint of the Associated Press; always send your matter closely condensed, and should you have a very sensational piece of news, state the matter to us by wire in a query, which should be very brief, and embrace the important points of the item, and we will then wire you how much to send. Never send a long item without first sending us a query concerning it.

Truly, yours,

A true copy:

W. B. HOTCHKISS.

GEO. A. DODD,
Captain, Third Cavalry.